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Security Council

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Letter dated 4 July 2002 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the text of a memorandum of the Government of the Democratic People's Republic of Korea issued on 3 July 2002 on the occasion of the thirtieth anniversary of the publication of the 4 July Joint Statement (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Pak** Gil Yon
Ambassador
Permanent Representative

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Annex to the letter dated 4 July 2002 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Memorandum of the Government of the Democratic People's Republic of Korea on the occasion of the thirtieth anniversary of the publication of the 4 July Joint Statement

It is 30 years since the historic North-South Joint Statement saw the light of day on July 4, Juche 61(1972).

The great leader Comrade Kim Il Sung performed undying exploits for realizing the cause of national reunification, the national supreme cherished desire by having made all painstaking efforts for this to the last moment of his great life.

The great leader Comrade Kim Jong Il who regards it as the holiest duty on behalf of the motherland and nation, the times and history to thoroughly fulfill the fatherly leader President Kim Il Sung's instructions on reunification has exerted tireless efforts for bringing earlier national reunification.

On the occasion of the 30th anniversary of the announcement of the July 4 Joint Statement, the government of the Democratic People's Republic of Korea issued this memorandum in order to hand down to posterity the durable feats made by the great leader Comrade Kim Il Sung and the great leader Comrade Kim Jong Il for achieving national reunification.

1. Three Principles of National Reunification – Common Reunification Principle of the Nation and Their Brilliant Embodiment.

1) Three Principles of National Reunification

Entering the 1970s, the northern half of the Republic witnessed the rockfirmly-cemented base of our revolution to provide a decisive guarantee of national reunification, whereas the south Korean people's struggle for reunification gained momentum.

Voices were lifted up in support and encouragement of our people's cause of national reunification in international forums, too, as the days go by.

Upset by this, the US declared the "Nixon doctrine" and changed its Korean policy for perpetuating the Korea's split.

The then prevailing situation called for taking decisive measures for preventing the risk of permanent division on the Korean peninsula and settling the reunification issue on the principle of independence.

The great leader Comrade Kim Il Sung set forth in his address on August 6, Juche 60(1971) a negotiated settlement by which he expressed readiness to come in contact with all political parties, including the "Democratic Republican Party", the then ruling party in south Korea, social organizations and individual personages anytime, in reflection of the then prevailing situation.

Thus opened the preliminary talks for the north-south Red Cross talks from September, Juche 60(1971), followed by the north-south high level political talks on a separate occasion.

On May 3 Juche 61(1972) the great leader Comrade Kim Il Sung met the south Korean representative to the north-south high level political talks convened in Pyongyang and laid down the three principles of national reunification, the main features of which are to reunify the country independently, free from outside forces' interference, on the principle of promoting the great national unity and by peaceful means.

The representative from south Korea expressed his full support to these reunification principles advanced by the great leader and the then chief executive of south Korea said to our representative to the north-south high level political talks held in Seoul that he fully supported the three principles of national reunification.

As a result, the July 4 Joint Statement, the keynote of which is the three principles of national reunification - independence, peaceful reunification and great national unity was announced before the world on July 4, Juche 61(1972).

The publication of the July 4 Joint Statement was an event of weighty significance to declare before the world that the three Principles of national reunification were a programme that the north and the south should abide by in the implementation of reunification.

The 28th and 30th sessions of the UN General Assembly and the Summit and Foreign Ministers' Conferences of the non-aligned countries adopted resolutions and documents in support of the three principles of national reunification.

The three principles of national reunification initiated by the great leader Comrade Kim Il Sung serve as a basic guideline that the north and the south should follow in shaping and fulfilling reunification policy and a permanent reunification programme common to the nation.

The Principle of independence is a fundamental issue related to the destiny of the country and nation and a starting point of national reunification movement.

The principle of peaceful reunification is the fundamental ways and means for solving the reunification issue in compliance with the unanimous aspiration of all fellow countrymen and the world's peace-loving people.

The principle of great national unity is a guide to action for ensuring the whole nation to unite as one under the banner of national reunification.

That the great leader Comrade Kim Il Sung laid down the three principles of national reunification – independence, peaceful reunification and great national unity and enhanced them to be a common reunification programme of the nation are the immortal exploits which will shine forever in the history of national reunification movement.

2) Proposal on Founding of the Democratic Federal Republic of Koryo (DFRK)

Entering the 1980s, the move of the splitists at home and abroad to perpetuate the Korea's division got further pronounced.

The great leader Comrade Kim Il Sung advanced in the report to the 6th Congress of the Workers' Party of Korea in October, Juche 69(1980) the proposal on the realization of reunification through federal formula - the comprehensive embodiment of the three principles of national reunification to cope with the then prevailing situation.

This proposal set forth by the great leader is the proposal on the founding of a reunified state based on one nation, one state, two systems and two governments.

The DFRK is a reunified state of federal form meaning to establish a unified national government on the condition that the north and the south recognize and tolerate each other's ideas and social systems, a government in which the two sides are represented on an equal footing and under which they exercise regional autonomy with equal rights and duties.

The great leader Comrade Kim Il Sung expounded comprehensively the problems related to the founding of a federal state, particularly indicating the formation of a Supreme National Federal Assembly with an equal number of representatives from the north and the south and an appropriate number of representatives of overseas national and this assembly would form a Federal Standing Committee to discuss and decide common issues concerning the general interests of the country and nation. Having elucidated this, he advanced ten points of policy to be pursued by the DFRK.

Advancing the 10-point policy that a federal state should pursue in politics, the economy, culture, military affairs, people's life, foreign relations and all others, he indicated that the DFRK would be an independent, democratic, neutral, non-aligned and peace-loving country.

Afterwards he put forth elastic proposals one after another for accelerating the process of reunification through federal system, such as to form a Supreme National Federal Assembly and a Federal Standing Committee to elect co-chairman and co-president respectively from the north and the south for operating a federal government by rotation, to endow regional autonomous governments with more rights in order to reach national consensus more easily on the proposal on attaining reunification through federal system and perfect step by step the federal system for reunification in such a way as to enhance functions of central government in the future.

The proposal on achieving reunification through federal system is another reunification programme for accomplishing the cause of national reunification by rebuffing outside interference and realizing national unity, allowing neither side to swallow or be swallowed by the other.

3) 10-Point Programme for Great Unity of the Whole Nation

The great leader Comrade Kim Il Sung took practical measures to achieve the great national unity on the basis of the three principles of national reunification.

The great leader proposed to convene a Great National Congress composed of representatives of people of all levels, political parties and social organizations in the north and the south in the 5-point policy for national reunification clarified in June, Juche 62(1973).

According to this proposal in November that year, the Workers' Party of Korea, the Korean Democratic Party and the Chondoist Chongu Party of Korea sent out a letter in their joint name to south Korean political parties proposing the holding of the Great National Congress.

In January, Juche 68(1979), the Central Committee of the Democratic Front for the Reunification of the Fatherland made a statement with 4-point proposal for accelerating national reunification through the great unity of the whole nation, and to form the preparatory committee for national reunification as a preliminary consultative body for preparing the nationwide dialogue in place of the former coordinating committee.

On the initiative of the great President, it was proposed in August, Juche 70(1981) to convene the Co..gress for the Promotion of the National Reunification to consist of representatives of political parties and social organizations in the north and the south and overseas Koreans, and in February, Juche 71(1982) to hold a joint meeting of 100 politicians from the north, the south and overseas.

In April, Juche 82(1993), the 5th Session of the 9th Supreme People's Assembly of the DPRK made public the "10-Point Programme for Great Unity of the Whole Nation for the Reunification of the Country"authored by the great President.

In the 10-Point Programme for Great Unity of the Whole Nation, the great President had defined the creation of a Pan-national unified state, independent, peaceful and neutral as the general objective, and patriotism and the spirit of national independence as the ideal basis of unity, and the promotion of co-existence, co-prosperity and common interests and the subordination of everything to the cause of reunification as the basic principle of unity.

The 10-Point Programme details the ways for achieving great national unity specifying to end all political disputes, believe in each other and unite after dispelling the fear of northward and southward invasion, prevailing over communism and communization, to recognize and protect the state ownership, cooperative ownership and individual ownership both before and after reunification, to honour those who have performed exploits for the great national unity and reunification and patriotic martyrs and their descendants, treat with tolerance even those who

once betrayed the nation but repent of their past and take the road of patriotism, and to fairly appraise the people who made contributions to national reunification according to their merits.

The 10-Point Programme advanced by the great President is a great common national charter which truly reflects the unanimous aspiration and wish of our nation to achieve national reconciliation, unity and reunification.

2. June 15 North-South Joint Declaration - A Common National Reunification Proposal based on the Three Principles of National Reunification

The far-reaching plan of the great leader Comrade Kim Il Sung to reunify the country in accordance with the three principles of national reunification is brought into brilliant effect under the sagacious leadership of the respected Comrade Kim Jong Il.

It is the respected Comrade Kim Jong Il's unshakable will to accomplish the cause of reunification by thoroughly embodying the three principles of national reunification, the nation's common reunification principle which incorporate our nation's desire and will for reunification.

Taking a bold resolution to shoulder upon himself and accomplish the behest of the fatherly leader for national reunification after he passed away, the great leader Comrade Kim Jong Il made his firm mind to turn **Panmunjom into a symbol of reunification from that of division as wished by** the fatherly leader, while making an inspection tour to Panmunjom on November 24, Juche 85(1996).

The great leader Comrade Kim Jong Il has put up a firm pillar of reunification for our fellow countrymen by formulating the three principles of national reunification, the 10-Point Programme of Great Unity of the Whole Nation and the proposal for founding the Democratic Federal Republic of Koryo as the Three Charters for National Reunification to be firmly and constantly maintained by our nation in his works "Let Us Carry out the Great Leader Comrade Kim Il Sung's Instructions for National Reunification" published on August 4, Juche 86(1997).

The formulation of the Three Charters for National Reunification was a declaration of firm determination and will of the respected Comrade Kim Jong Il to put into practice the ideas and lines for national reunification of the great leader Comrade Kim Il Sung without the slightest change.

In his letter "Let Us Reunify the Country Independently and Peacefully through the Great Unity of the Entire Nation" addressed on April 18, Juche 87 (1998) to the national symposium to mark the 50th anniversary of the historic joint conference of representatives of political parties and public organizations in north and south of Korea, the great leader Comrade Kim Jong Il put forward the 5-Point Policy for Great National Unity whose basic contents are national independence, patriotism, improvement of the inter-Korean relations, rejection of the outside and anti-reunification forces and promotion of exchanges of visits and contacts and dialogues.

The 5-Point Policy for Great National Unity has become a milestone to blaze the way of national unity and open a new turning phase for national reunification by developing in depth the

ideas for great national unity of the great leader Comrade Kim Il Sung in conformity with requirement of the developing reality.

The historic inter-Korean summit meeting and the June 15 North-South Joint Declaration are a brilliant crystallization of Comrade Kim Jong Il's far-reaching idea and tireless painstaking efforts for the realization of national reunification.

After the fatherly leader unexpectedly passed away about two weeks before the inter-Korean summit talks, the first of its kind in around half a century of national division, the great leader Comrade Kim Jong Il saw that it notified the south side of the intention to put off the summit talks for the time being, not **suspend them for good.**

This was an expression of the respected Comrade Kim Jong Il's heroic resolve and will to bring to success at any cost the inter-Korean summit talks in place of the fatherly leader.

Maturing the grand plan for making a decisive breakthrough in achieving national reunification, the great leader Comrade Kim Jong Il **saw to it that it adopted an agreement on the** inter-Korean summit talks on April 8, Juche 89(2000).

In June, Juche 89(2000), Pyongyang witnessed the inter-Korean summit meeting, the first of its kind in the history and the follow-up of the June 15 North-South Joint Declaration.

The historic Pyongyang Meeting and the June 15 North-South Joint Declaration, which threw light on how to realize the independent reunification in the new century, were the result of the respected Comrade Kim Jong Il's energetic guidance and his bold decision representing patriotism.

The historic June 15 North-South Joint Declaration is a declaration of independence, peaceful reunification and great national unity based on the three principles of national reunification.

Thanks to the birth of the North-South Joint Declaration, our fellow countrymen were provided with a milestone of national reunification that showed the most realistic and broad avenue for accomplishing the cause of national reunification in the new century.

The June 15 North-South Joint Declaration is an announcement of national independence and that of peaceful reunification, under which we would not tolerate the outside interference in internal affairs of the nation but realize national reunification by our own efforts.

The Joint Declaration is the declaration of national cooperation, the declaration of great national unity, definitely affirming that our fellow countrymen return to their original appearance of a single nation to help each other and promote harmony and prosperity.

Ever since the publication of the June 15 North-South Joint Declaration, the whole world has expressed support to it, and international meetings, including the new-millennium UN Summit

Meeting and the 55th session of the UN General Assembly adopted statements, resolutions and documents welcoming and supporting the Declaration.

The great leader Comrade Kim Jong Il has energetically led nationwide movement for thoroughly implementing the June 15 North-South Joint Declaration based on the three principles of national reunification - independence, peaceful reunification and great national unity.

The respected Comrade Kim Jong Il has wisely seen to it that the north-south ministerial talks and other multi-faceted talks, follow-ups of the June 15 North-South Joint Declaration, were held in such a practical way as to solve problems in the spirit of trust and cooperation.

Through ministerial talks which were held six times up to November last year in the wake of the first round of the talks in July, Juche 89(2000) and multifarious talks and contacts, the ways were sought for reconciliation and unity and road opened for cooperation and exchange and measures taken to ease tensions.

Since the Pyongyang Meeting, the respected Comrade Kim Jong Il accorded warm hospitality to the honorary chairman of Hyundai Business Group of south Korea and his party on a visit to Pyongyang and settled a number of problems arising in the process of economic cooperation and also met the group of presidents of media organizations of south Korea for an extended period of time and paid a deep attention to their media activities so as to improve the north-south relations and promote national unity.

In April and May, Juche 91(2002), the great leader Comrade Kim Jong Il met the south Korean special envoy and his entourage and the Chairperson of Preparatory Committee for founding the "Union for the Future of Korea" in south Korea on a visit to Pyongyang and had open-hearted talks with them, giving teachings which serve as a guideline for the resolution of national problems and showing magnanimity by accepting with grace several requests made by them.

Thanks to the great love, trust and benevolence of the respected Comrade Kim Jong Il, humanitarian and compatriotic measures were taken four times to alleviate sufferings of separated families and relatives in the north and south. 63 former unconverted long-term prisoners were repatriated at once to the bosom of our Republic.

After the Joint Declaration was announced, the government, political parties and social organizations of our Republic convened joint meeting every year to take practical measures to implement to the letter the Joint Declaration, thereby enlisting all our fellow countrymen in the north, south and overseas in the reunification-oriented patriotic drive.

Great progress has been made in the implementation of the June 15 North-South Joint Declaration thanks to the energetic guidance of the respected Comrade Kim Jong Il, which led to the advent of the times of reconciliation and cooperation in the north-south relations fraught with only confrontation, tension and mistrust lasting for over half a century, opening a bright prospect for reunification.

However, even after the adoption of the Joint Declaration, the separatist forces within and without have been undisguised in their attempts to block the independent resolution of the reunification issue by the concerted efforts of our nation, thus made the Joint Declaration undergo twists and turns in its implementation.

The US has forced South Korea to subordinate the inter-Korean relations to its "hard-line policy" against the DPRK under the cloak of "reciprocity"and "verification" and on the other hand, made blatant attempts to torpedo the process of the implementation of the Joint Declaration, aggravating the situation intentionally, while labelling the DPRK as a "target of nuclear attack", by listing it as a part of "axis of evil".

The anti-reunification forces of south Korea **have danced to the tune of the United States** taking the road of collaboration with the outside forces rather than seeking the national cooperation, the kernel of the June 15 North-South Joint Declaration.

Under the grave situation in which the hard-won June 15 Joint Declaration is faced with the danger of its being deadlocked in its implementation, the great leader Comrade Kim Jong Il has wisely led to react to the US "hard-line" with toughest hard-line stance and develop the inter-Korean relations based on the principles of national independence, holding fast to the banner of national independence.

Thanks to the clairvoyant wisdom and energetic activities of the respected Comrade Kim Jong Il, who is possessed of the noblest patriotism, the anti-reunification moves of the separatist forces at home and abroad have been frustrated at every step and our national drive for reunification moved vigorously along the road of independent and peaceful reunification.

The road of army-based revolutionary leadership traversed by the great leader Comrade Kim Jong Il is the most sacred road of justice to defend the national dignity and interests, and the road to peace, reunification and patriotism.

Because of this army-centered politics, our nation could have averted the catastrophic disaster of war and defended peace, and reliably ensured the implementation of the June 15 Joint Declaration.

The destiny of our nation and reunification depends on the June 15 Joint Declaration which embodies the three principles of national reunification.

No matter how much situation may change in the future, the national reunification should be realized in accordance with the three principles of national reunification - independence, peaceful reunification and great national unity, and their embodiment, the June 15 Joint Declaration.

This is the firm will of the great leader Comrade Kim Jong Il and consistent stand of our Party and the government of our Republic.

3. Three Principles of National Reunification and June 15 North-South Joint Declaration are Fundamental Guarantees for Peace and Security on the Korean Peninsula.

The three principles of national reunification - independence, peaceful reunification and great national unity - enunciated by the great leader Comrade Kim Il Sung incorporate the desire of all compatriots for peaceful reunification.

Independence, peaceful reunification and great national unity most reliably guarantee by themselves peace and security on the Korean peninsula.

The June 15 North-South Joint Declaration initiated by the great leader Comrade Kim Jong Il is a programme for national independence and reunification.

If we solve the reunification issues Independently by the united efforts of the nation, while making an effective use of common features of reunification proposals of the north and the south, the north-south confrontation will resolve of itself, and the atmosphere of peace and reconciliation be certainly maintained on the Korean peninsula.

The three principles of national reunification and the June 15 North-South Joint Declaration serve as the most realistic ways for confidence-building which is indispensable to ensure durable peace on the Korean peninsula.

Under the prevailing situation on the Korean peninsula, if the security issues which are intricate with different conflicting interests are to be resolved, and a lasting peace and security is to be ensured, it is necessary to remove the pent-up distrust and establish relations based on confidence.

The distrust relations prevailing on the Korean peninsula, the product of division, being based on the suspicion of the north and the south attempting to achieve reunification based on its own system, can smoothly be resolved only when the reunification issue is settled fairly.

Now the most realistic way for the creation of relations of confidence through the fair solution of the reunification issue is to adhere to the three principles of national reunification and June 15 North-South Joint Declaration which have been agreed upon by both the north and the south and supported by the international community.

Despite the long-standing division, our nation has much more commonness as the homogeneous nation than the differences, and this serves as a fundamental condition for realizing the reunification in the near future, rather than in the distant future.

What is of the greatest importance in maintaining the three principles of national reunification and implementing the June 15 North-South Joint Declaration is for the north and the south to play their role as masters, to the best of their ability.

Along with this, the countries concerned should also play their parts.

If the US really wants to dispel their "security concerns" through dialogue with the DPRK, it should give up its "strategy to reunify Korea" based on the "liberal democratic system", the strategy of the Cold War era, and discontinue to put the brake on the efforts of the north and the south to reunify the country by maintaining the three principles of national reunification and implementing the June 15 North-South Joint Declaration.

All the countries concerned should support **and** encourage the north and the south in their process of maintaining the three principles of national reunification and implementing the June 15 North-South Joint Declaration for peace and reunification on the Korean peninsula.

The prospect of the cause of our national reunification is unquestionably bright as long as we have the great common national reunification programme.

The DPRK government will continue to firmly maintain the three principles of national reunification clarified by the great leader Comrade Kim Il Sung, and hold fast to and faithfully implement the June 15 North-South Joint Declaration provided by the great leader Comrade Kim Jong Il, and thus hasten the accomplishment of the cause of national reunification, the cherished desire of the nation.

Pyorgyang
July 3, Juche 91(2002)

United Nations S/2002/735

Security Council

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8 July 2002
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Letter dated 8 July 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Acting on instructions from my Government, I have the honour to draw the Security Council's attention to some disturbing developments that are occurring in the provinces of the Democratic Republic of the Congo under Rwandan occupation.

Exactly one week ago, my Government informed the Council of the seizure of the town of Pweto by troops of the Rwandan Patriotic Army (RPA) and the Rassemblement congolais pour la démocratie (RCD/Goma) and the situation prevailing in the town of Kisangani, which is still waiting to be demilitarized in accordance with all the relevant Council resolutions.

A few days ago, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) noted a build-up of Rwandan troops in the town of Moba. It is feared that this concentration may be the prelude to a large-scale attack in Katanga province. According to MONUC, 500 Rwandan soldiers have already been deployed to Moba. There are also reports of heavy military equipment being moved to the area.

Regarding the situation in the highlands, the Council will recall that in its resolution 1417 (2002) of 14 June 2002, the Council expressed grave concern and called on the de facto authorities in the regions affected to ensure the protection of civilians and the rule of law.

That was not to be. Quite the contrary, a week ago several hundred RPA soldiers from the town of Uvira set out for the highlands of South Kivu in the eastern part of the Democratic Republic of the Congo; there has been heavy fighting there for some days between RPA and the troops of a "Banyamulenge" commander.

A tragedy and a large-scale humanitarian crisis are currently unfolding in the highlands area. According to a good many non-governmental organizations — one being Eben Ezer Ministry International (EMI), which is based in Uvira and has reported on the catastrophic situation on the Internet — entire families from the highlands are fleeing the violence and RPA helicopter bombings. EMI fears that this war in the highlands may turn into a regional conflict thus further compounding the confusion of the situation.

According to EMI, at the beginning of May, parts of Itombwe community were deserted by their inhabitants due to the heavy fighting taking place in Tulambo and further west, in Nyawivubire and Iranga. The inhabitants were compelled to leave

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their village homes and farms and sought refuge in the forests and in neighbouring villages; others were regrouped around Mikenge.

On 18 June 2002, according to EMI, widespread fighting broke out again in various parts of Minembwe (in Masha, Rutigita, Rugabano and Gitavi), Kamombo (in Mungoma, Katongo, Kanogo and Kuwagati) and in Itombwe (at Mikenge, Marundi, Gasiro and Bikuba). Fifty thousand people have been displaced and are in the forests around Lulenge, Kipupu and Luemba. Others have gone to neighbouring communities, such as Kabara, Mizinga, Chakira, Kamombo, Bijombo, Mutambala and Bibogobogo, which are still calm.

The EMI report states that the RPA command at Minembwe forced the entire population of central Minembwe and its surroundings to regroup, and gives an initial list of civilian victims, of persons who have been arrested and tortured following charges or allegations of collaboration, of villages that have been burned and of villages that have been deserted by their inhabitants. It also highlights the suffering of the population concerned and the consequences for their well-being (in terms of health, education, food and so forth) especially the most vulnerable among them, namely women and children.

My Government again asks the Security Council to:

1. Ensure that an end is put to the actions of Rwanda and RCD/Goma in the territory of the Democratic Republic of the Congo.

2. Firmly condemn Rwanda and RCD/Goma for pursuing hostilities in the highlands and demand that they permit full and unimpeded access, in full security, to the population of the highlands and provision of humanitarian assistance to that population, especially to women, girls and children.

3. Demand the immediate and unconditional withdrawal of Rwandan troops from the territory of the Democratic Republic of the Congo.

4. Convert MONUC's mandate into that of an interposition force; that is essential in order to "secure the Rwandan aggressor" and force him to withdraw immediately from Congolese territory.

My Government invites the Council to take action on this letter and requests that it be circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Permanent Representative
Ambassador

United Nations S/2002/736

Security Council

Distr.: General
9 July 2002

Original: English

Letter dated 30 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) addressed to the President of the Security Council

I have the honour to transmit herewith a report of the Security Council Committee established pursuant to resolution 1267 (1999), adopted by the Committee under the no-objection procedure on 27 June 2002 (see annex). The report is being submitted in accordance with paragraph 6 of Security Council resolution 1390 (2002) of 16 January 2002.

(*Signed*) Alfonso **Valdivieso**
Chairman
Security Council Committee established
pursuant to resolution 1267 (1999)

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Annex

Report of the Security Council Committee established pursuant to resolution 1267 (1999)

On 16 January 2002, the Security Council adopted resolution 1390 (2002). In accordance with paragraph 6 of the resolution, all States are requested to report to the Committee, no later than 90 days from the date of adoption of resolution 1390 (2002), on the implementation of paragraph 2 of the resolution, in particular on the measures listed below that they have applied to all the individuals, groups, undertakings and entities associated with the Taliban and Al-Qaida included on the Committee's list:*

(a) freezing without delay any funds and other financial assets and economic resources;

(b) preventing the entry into or transit through their territories;

(c) preventing the direct or indirect supply, sale and transfer of all arms and related materiel, spare parts and technical advice, assistance or training related to military activities.

As of 28 June 2002 replies received from 67 States had been issued as documents of the Committee, as indicated below:

1.	Belarus	5 April 2002	S/AC.37/2002/1
2.	United Kingdom of Great Britain and Northern Ireland	15 April 2002	S/AC.37/2002/2
3.	Cyprus	15 April 2002	S/AC.37/2002/3
4.	Czech Republic	15 April 2002	S/AC.37/2002/4
5.	Sweden	15 April 2002	S/AC.37/2002/5
6.	Singapore	16 April 2002	S/AC.37/2002/6
7.	Brazil	16 April 2002	S/AC.37/2002/7
8.	Algeria	15 April 2002	S/AC.37/2002/8
9.	New Zealand	16 April 2002	S/AC.37/2002/9
10.	Poland	16 April 2002	S/AC.37/2002/10
11.	Germany	15 April 2002	S/AC.37/2002/11
12.	South Africa	15 April 2002	S/AC.37/2002/12
13.	Slovakia	16 April 2002	S/AC.37/2002/13
14.	Denmark	16 April 2002	S/AC.37/2002/14

* http://www.un.org/Docs/sc/committees/Afghanistan/Afg_list_eng.htm.

15.	Bulgaria	16 April 2002	S/AC.37/2002/15
16.	Slovenia	16 April 2002	S/AC.37/2002/16
17.	Republic of Moldova	16 April 2002	S/AC.37/2002/17
18.	Syrian Arab Republic	16 April 2002	S/AC.37/2002/18
19.	France	16 April 2002	S/AC.37/2002/19
20.	Colombia	16 April 2002	S/AC.37/2002/20
21.	Estonia	16 April 2002	S/AC.37/2002/21
22.	Argentina	16 April 2002 29 April 2002	S/AC.37/2002/22 S/AC.37/2002/22/Add.1
23.	Romania	17 April 2002	S/AC.37/2002/23
24.	Monaco	15 April 2002	S/AC.37/2002/24
25.	Paraguay	17 April 2002	S/AC.37/2002/25
26.	Peru	11 April 2002	S/AC.37/2002/26
27.	Thailand	16 April 2002	S/AC.37/2002/27
28.	Portugal	16 April 2002	S/AC.37/2002/28
29.	Norway	17 April 2002	S/AC.37/2002/29
30.	Malta	18 April 2002	S/AC.37/2002/30
31.	Saudi Arabia	16 April 2002	S/AC.37/2002/31
32.	Latvia	16 April 2002	S/AC.37/2002/32
33.	Guatemala	16 April 2002	S/AC.37/2002/33
34.	Chile	16 April 2002	S/AC.37/2002/34
35.	Italy	23 April 2002	S/AC.37/2002/35
36.	Hungary	16 April 2002	S/AC.37/2002/36
37.	Japan	23 April 2002	S/AC.37/2002/37
38.	United States of America	24 April 2002	S/AC.37/2002/38
39.	Russian Federation	26 April 2002	S/AC.37/2002/39
40.	Yugoslavia	18 April 2002	S/AC.37/2002/40
41.	Australia	25 April 2002	S/AC.37/2002/41
42.	Canada	23 April 2002	S/AC.37/2002/42
43.	Netherlands	25 April 2002	S/AC.37/2002/43

44.	Spain	30 April 2002	S/AC.37/2002/44
45.	Namibia	30 April 2002	S/AC.37/2002/45
46.	Mexico	3 May 2002	S/AC.37/2002/46
47.	India	9 May 2002	S/AC.37/2002/47
48.	Tunisia	8 May 2002	S/AC.37/2002/48
49.	Ireland	14 May 2002	S/AC.37/2002/49
50.	Azerbaijan	20 April 2002	S/AC.37/2002/50
51.	Kazakhstan	14 May 2002	S/AC.37/2002/51
52.	Bahrain	16 May 2002	S/AC.37/2002/52
53.	Jamaica	21 May 2002	S/AC.37/2002/53
54.	Madagascar	22 May 2002	S/AC.37/2002/54
55.	China	28 May 2002	S/AC.37/2002/55
56.	Finland	29 May 2002	S/AC.37/2002/56
57.	The former Yugoslav Republic of Macedonia	30 May 2002	S/AC.37/2002/57
58.	Andorra	4 June 2002	S/AC.37/2002/58
59.	Pakistan	5 June 2002	S/AC.37/2002/59
60.	Turkey	10 June 2002	S/AC.37/2002/60
61.	Ukraine	10 June 2002	S/AC.37/2002/61
62.	Democratic People's Republic of Korea	12 June 2002	S/AC.37/2002/62
63.	Mali	13 June 2002	S/AC.37/2002/63
64.	Austria	17 June 2002	S/AC.37/2002/64
65.	Lebanon	17 June 2002	S/AC.37/2002/65
66.	Switzerland	21 June 2002	S/AC.37/2002/66
67.	Liechtenstein	24 June 2002	S/AC.37/2002/67

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The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

Summary

The present report describes the continued implementation of the Bonn Agreement, including the successful conclusion of the Emergency Loya Jirga held from 11 to 19 June 2002. Despite some imperfections in the nomination and selection of delegates and incidents of intimidation during the Loya Jirga itself, it is noteworthy that such an enormous logistical undertaking was carried out within a very tight schedule and accomplished the tasks of electing the Head of State and approving the structures and appointment of the Transitional Authority.

The report also outlines the continuing challenges faced by both the Transitional Authority and the international community. One of the most important tasks ahead is to ensure sufficient funding for humanitarian and recovery activities. The report describes the organizational and operational progress made by the United Nations system in the areas of humanitarian relief, recovery and reconstruction. However, it also notes that donor funding has slowed dramatically, affecting the United Nations capacity to process the return of refugees as well as the Government's ability to fund its basic services and extend its presence beyond Kabul.

Another major cause for concern remains the issue of security. While the International Security Assistance Force (ISAF) has made a very positive impact on the security situation in Kabul, continuing insecurity in many parts of the country entails the risk of impeding progress on the political front. It has also affected humanitarian activities. The Secretary-General therefore strongly advocates a limited expansion of ISAF beyond Kabul.

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I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1401 (2002), adopted on 28 March 2002, and General Assembly resolution 56/220 A, adopted on 21 December 2001. It covers the period since the previous report on this item was issued on 18 March 2002 (A/56/875-S/2002/278).

II. Implementation of the Bonn Agreement: establishment and progress of the Interim Administration

2. Implementation of the Bonn Agreement of 5 December 2001, in which Afghan parties pledged to engage in a process of transition to a freely elected constitutional and democratic Government, represents the best chance to put an end to 23 years of war in Afghanistan. As a result of that Agreement, on 22 December 2001 an Interim Administration was established under the chairmanship of Hamid Karzai. The Interim Administration led Afghanistan for six months, before transferring power to a Transitional Authority established through the Emergency Loya Jirga, held from 11 to 19 June 2002 in accordance with the terms of the Bonn Agreement.

3. The Interim Administration faced a number of difficult tasks at its inception. Most importantly, it faced a fractured and decentralized disposition of power throughout Afghanistan. The long years of war had produced and sustained numerous armed factions with vested economic and political interests in the areas they controlled. As a result, a pattern of fragmented military rule under various commanders from different political and ethnic backgrounds filled much of the vacant political space created by the fall of the Taliban. These commanders publicly endorsed the Bonn Agreement and the Interim Administration, but at the same time kept their options open, having much to lose by ceding their economic and political power to the central authorities. Some were loyal to members of the Interim Administration, but this did not necessarily make them loyal to the Administration itself. Such a pattern of fragmentation has been particularly evident in the Pashtun-populated areas of the south and east, due to the sudden demise of the Taliban and ongoing operations against Taliban and Al-Qa'idah remnants.

4. As a result, in many parts of the country the relationship between the provincial governments and the central Government has been distant and unstructured. Attempts to extend centralized control have frequently been thwarted by regional military figures and governors who have continued, in many cases, to place their own interests above the national interest.

5. Faced with these considerable challenges, the Interim Administration attempted, with very few resources and no real army or security force, to extend its writ beyond Kabul. Its accomplishments in this regard were limited, though they were perhaps greater than most observers have suggested. Against a wave of opposition in drug-producing areas, for example, the Interim Administration demonstrated its commitment to poppy eradication by issuing and partly implementing a decree against the cultivation and export of opium, under which poppy with an estimated street value of $8 billion was destroyed.

6. With the assistance of the United Nations Development Programme (UNDP)-administered Afghan Interim Authority Fund, the Interim Administration was able to pay the salaries of teachers and civil servants in Kabul and some provinces. For the first six months of the year, this fund will have paid monthly salaries to 197,000 civil servants. The fund was also used to coordinate responses to several humanitarian crises outside Kabul, including the earthquake in Nahrin. The Interim Administration adopted a number of decrees on issues such as army recruitment, national and international investment law, rebuilding of schools and the protection of forests.

7. The Interim Administration's efforts to extend its influence and control have been hampered above all by the limited resources at its disposal. These limitations have affected its ability to provide services, build roads and create jobs. In the absence of a visible peace dividend in certain parts of the country, local populations have continued to turn to regional commanders and existing local authorities for support, thereby strengthening already dominant regional identities at the expense of both the central Government and national unity. On a more positive note, a growing number of Afghans seek to strengthen links with the central Government as a counterweight to local power structures, which are often associated with military rule. Appeals to the central Government

will no doubt increase if it is able to demonstrate accountability and effectiveness.

8. The Interim Administration's limited ability to raise revenue was largely due to the fact that customs duties were captured by regional authorities to support their own administrations, thereby reducing their dependency on Kabul and strengthening their personal and political power.

9. Much of the cost of the Interim Administration, including rehabilitation of basic infrastructure in addition to civil service salaries, was borne by the international community through donations to the Afghan Interim Authority Fund. Following the inauguration of the Transitional Administration, the Afghan Reconstruction Trust Fund, established to meet longer-term needs, assumed responsibility for paying civil service salaries during the transitional Government, pending the development of a sufficient revenue base.

III. Implementation of the Bonn Agreement: the commissions

10. The Bonn Agreement provides for the establishment of a number of commissions, namely, a Special Independent Commission for the Convening of the Emergency Loya Jirga, a Human Rights Commission, a Civil Service Commission and a Judicial Commission.

11. The establishment of the Special Independent Commission for the Convening of the Emergency Loya Jirga was announced by Chairman Karzai in my presence, during my visit to Afghanistan on 25 January 2002. The Loya Jirga process and the role of the Special Commission are described in greater detail below (see paras. 28-42).

12. The Judicial Commission, which consists of 16 eminent Afghan scholars, legal practitioners and jurists, was established by decree on 21 May. A subsequent decree was promulgated on 6 June by the Chairman of the Interim Administration. It outlines the specific powers and functions of the Commission, which is tasked under the Bonn Agreement with rebuilding the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions. Several working groups are to be set up on different thematic issues related to the Afghan justice sector. Each working group will be chaired by a member of the Judicial Commission, with other members of the Commission, external consultants and experts participating in and contributing to its work.

13. The decree describing the functions and powers of the Civil Service Commission was finalized some time ago, but the Commission itself has not yet been established. It now seems that President Karzai may decide to expand its mandate to cover all aspects of administrative reform under the leadership of one of the Vice-Presidents.

14. The Human Rights Commission, comprising experts, both men and women, from all major ethnic groups, was established by decree on 6 June. This Commission was the product of a national consultative process between Afghan human rights activists, the Interim Administration and the United Nations. Consultations were held on the following themes: the development of a national programme of human rights education; approaches to human rights monitoring, investigation and remedial action; and the advancement of the rights of women. The mandate of the Commission is daunting, but its successful implementation will be of great service to the ongoing transition in Afghanistan. The Commissioners deserve the full support of the international community. Shortly after the Loya Jirga, President Karzai named Sima Samar, former Minister for Women's Affairs, as Chairperson of the Commission.

15. The human rights situation in Afghanistan clearly requires the presence of strong human rights institutions. In recent weeks, the United Nations Assistance Mission in Afghanistan (UNAMA) has had to approach local and national authorities on a range of human rights problems, including inhumane conditions in the Shiberghan prison, attacks on minorities and aid workers in the north, and scattered acts of Loya Jirga-related intimidation around the country. My Special Representative and his staff have consistently intervened with local commanders, regional authorities and national officials, and have insisted on full accountability for perpetrators.

16. In this respect, the lack of progress and transparency regarding the investigation into the murder of the Minister for Civil Aviation and Tourism, Abdul Rahman, four months after his killing is deeply disappointing. The politically motivated arrests and

month-long detention — without trial or the issuing of charges — of alleged Hezb-e-Islami activists in April by the National Directorate for Security highlighted the need to bring the security services under the rule of law. In this regard, President Karzai's promise to establish a commission to overhaul the National Directorate for Security is a welcome development.

17. With regard to freedom of the press, after the issuance in February 2002 of a "press law decree" that elicited much criticism for its prescriptive nature, the Ministry of Information and Culture issued a statement on the reconstruction and development of media in Afghanistan. The statement announced a thorough review of media policy based on the recognition of the role of the press as a major factor of transparency and accountability in Afghanistan.

IV. Security

18. Security in Afghanistan remains a cause for concern. In addition to actions by ex-Taliban and Al-Qa'idah forces that explicitly oppose the Bonn process, the presence of armed factions that nominally support the process continues to pose a threat to the consolidation of peace and civil government in the country. This is particularly problematic in the north, where a long-standing rivalry between the Jumbesh and Jamiat factions negatively affects the general security situation. This rivalry has prevented the establishment of effective security in Mazar city, despite the efforts of the Interim Administration and UNAMA to establish a separation of forces and a neutral, multi-ethnic police force. In this context of impunity and insecurity, a number of armed attacks and robberies have been carried out against international aid organizations in the last several weeks. Most serious and contemptible was the attack on a female international aid worker. My Special Representative intervened at both the national and the local level to insist that this alarming situation be addressed and that those responsible for these criminal acts be held accountable under the law. Regrettably, these incidents, as well as the earlier murder of a local United Nations staff member, have yet to be properly followed up by the authorities. No credible measures to address these security problems have been taken at the time of writing of this report. On 6 July, a few days after the draft of the present report was finalized, Vice-President Haji Abdul Qadir was assassinated in Kabul. I was deeply disturbed and saddened by this murder, and I have urged the Afghan authorities to conduct a thorough investigation so as to bring the perpetrators to justice.

19. Sporadic fighting and skirmishes have also occurred in Uruzgan, Laghman, Kunar, Wardak, Paktia, Khost and Nimruz provinces. Disputed governorships have destabilized several provinces, with the central Government frequently unable to quell military opposition to Governors it has legitimately named.

20. Absent truly national security forces and the expansion of the International Security Assistance Force (ISAF), Afghanistan remains hostage to this prevailing insecurity. Lack of tangible improvement in the security situation could seriously undermine the political and reconstruction efforts.

21. In this regard, I welcome progress made towards the reform of the security sector during two special meetings of donors in Geneva in April and May. At both meetings, the Interim Administration produced progressive and comprehensive papers outlining its vision of an armed force of 80,000 men, which would be overseen by a national security council and a defence council. A budget of $300 million for the armed forces was proposed for the next year. The budget includes payment of salaries, provision of basic equipment and the renovation of barracks. UNAMA has established a trust fund for the payment of salaries and the provision of non-lethal equipment for the Afghan armed forces, and UNDP has established a law and order trust fund for integrated donor support to meet the costs of police salaries and capacity-building. Together with the nations designated to lead the various subsectors of security sector reform,[1] UNAMA believes that institutional reform of the security sector and civilian oversight are necessary.

22. A concrete achievement in the security sector has been the creation of the first battalion of the National Guard, which was trained by ISAF. The battalion performed impeccably its assigned task of providing security for the Loya Jirga site. The United States of America has started an 18-month training programme that, it is hoped, will eventually provide 11,500 troops for the new Afghan army and border guard, and France is carrying out a parallel army training programme.

[1] The United States for the training of the armed forces; the United Kingdom for counter-narcotics; Italy for the justice sector; Germany for the police; and UNAMA/Japan for reintegration and demobilization.

23. Serious problems, however, were encountered in assembling an ethnically and regionally balanced group of recruits for the first battalion of the National Guard. Similar difficulties are being experienced by the United States and French trainers. In addition, well over one third of the soldiers of the first battalion have, regrettably, left the unit since completing their training, due to a lack of support from the Ministry of Defence. This experience foreshadows the difficulty that will be faced during the creation and training of new armed forces in the absence of genuinely agreed national structures to form, house, equip and deploy these forces. The announcement of the establishment of a Commission for the specific purpose of creating the national army is a step in the right direction. This Commission must now begin to work earnestly and effectively.

24. It is important to realize that these new units will not be able to provide adequate security in Afghanistan for many months to come. In particular, they will not be available for most of the critical transitional period of the next 18 months. I therefore continue to believe that a limited expansion of ISAF to areas outside of Kabul would make a huge contribution to the consolidation of peace, and should be considered.

25. In Kabul, ISAF has continued to have a very positive impact on security, in conjunction with the Afghan police and other domestic security forces. The Joint Coordination Body, bringing together the Ministries of Defence and Interior, ISAF and UNAMA, continues to provide a forum for the discussion, coordination and resolution of security issues in Kabul. An example of the progress made in the field of security cooperation between the domestic security agencies, ISAF and UNAMA was the comprehensive security plan drawn up by these parties for the protection of the Emergency Loya Jirga.

26. In this context, I welcome the fact that on 23 May the Security Council extended ISAF's mandate for another six months beyond 20 June. On 20 June, the Turkish armed forces assumed command of ISAF from the United Kingdom. I take this opportunity to congratulate Major General McColl and the British headquarters battalion on their steadfast performance during the first mandate of ISAF. I also express the gratitude of the United Nations to the Turkish Government and the other troop contributors for their critical and ongoing contribution to the consolidation of peace in Afghanistan.

27. Regarding the creation of a new Afghan police force, Germany, as lead nation, has been making progress. A total of 82 officers have so far completed the "train the trainers" course. These newly appointed police trainers are scheduled to begin training 3,200 officers in the first week of August. Also, India has agreed to train an additional 220 officers in specialized areas, including investigation techniques, logistics and personnel management. To ensure that the police do not operate in a legal vacuum, however, it is important that the new Judicial Commission expeditiously formulate its programme, and that the Transitional Administration translate that programme into specific reforms.

V. Emergency Loya Jirga process

28. In my report dated 18 March 2002, I stressed the importance of the Emergency Loya Jirga and the overwhelming support it enjoyed among the Afghan population. At the same time, I expressed concern that, given the high political stakes of the Loya Jirga, political pressure would be applied by those who sought to gain or maintain positions of power. Developments since then have borne out this assessment, though the fact that the Loya Jirga took place at all, despite political and logistical difficulties, is a significant achievement.

29. The process of selecting approximately 1,000 delegates from 390 districts of Afghanistan, which began on 16 April in the north-western region and ended on 6 June in Kabul, demonstrated the extraordinary support that the Loya Jirga enjoyed throughout the country, in spite of the marked ethnic and political differences within and between the regions of Afghanistan. For seven weeks, teams organized by the Special Independent Commission, accompanied by UNAMA staff and international monitors, criss-crossed the country, reaching out to the most remote settlements. Most of the time, they received a very positive response from the population as thousands, and sometimes tens of thousands, gathered in district assemblies to participate in the Loya Jirga process. The 200 women delegates selected for the Loya Jirga were particularly active. The additional fact that more than 20 of them were elected is not insignificant, given the severe oppression of women by the Taliban over the last five years.

30. As expected, the Loya Jirga process was not without difficulties. Some were of a logistical nature, since access to a number of districts was inhibited by geography or weather conditions. Other problems related to the state of insecurity that existed due to tensions or open conflict between tribes and local commanders in some regions. These problems were particularly evident in the south-east (Gardez), the north (Mazar-e-Sharif) and the westernmost districts of the Hazarajat (Daikundi). A broader problem resulted from the very success of the Loya Jirga process. Indeed, while the momentum of the Emergency Loya Jirga muted the criticism heard from some extremist groups at the beginning of the process, its obvious importance prodded certain commanders to seek political legitimacy through the Loya Jirga. As a result, attempts by local commanders and authorities to control the outcome of the selection process by money or by intimidation were evident in different regions at one time or another. Incidents in a dozen districts were deemed serious enough by the members of the Special Independent Commission to warrant the cancellation of district elections.

31. There were several incidents of intimidation during the Loya Jirga itself, some involving the National Directorate for Security, and further incidents in the aftermath of the consultation. My Special Representative consistently addressed these cases, including through his strong representations to Governors, commanders and the highest authorities of the Interim Administration, urging them to cooperate with the Special Independent Commission and to take firm steps to protect the integrity of the Loya Jirga and its delegates.

32. While the United Nations was determined to do everything possible to help prevent and correct abuses of power, it was in the nature of an open and public consultative exercise like the Loya Jirga to reflect the reality of the power structure in the country. In that light, keeping commanders out of the Loya Jirga process proved impossible. It could also be argued that it was not desirable. The Loya Jirga provided an opportunity not only for the people of Afghanistan to express their views, but also for the power structure inherited from decades of war to resolve internal differences through political means rather than by violence. In this spirit, the Interim Administration asked the Commission to invite the Governors and other selected leaders to participate in the Loya Jirga. The Interim Administration considered that, in the fragile context of a country emerging from decades of conflict, and where military operations are in fact ongoing, engaging the various factions politically was a necessity.

33. The United Nations and the international community also gave critical logistical support to the Special Independent Commission and the Loya Jirga process. This included providing transport (including an important air operation), premises and communication facilities. Contractors were called upon to prepare eight regional election sites, and the Agency for Development Cooperation (GTZ), a German non-governmental organization, rehabilitated part of the Polytechnic Institute in Kabul and installed several tents to house the Loya Jirga itself.

34. Of equal importance were the exceptional security measures provided by the joint action of the Ministries of Defence and Interior, the National Directorate for Security, the Special Independent Commission for the Convening of the Emergency Loya Jirga and ISAF. These measures succeeded in deterring action by extremist groups. Even these measures, however, could not prevent the firing of rockets at residential areas of Kabul, distant from the Polytechnic, in the last days of the Loya Jirga. Fortunately, these did not cause casualties.

35. The proceedings of the Emergency Loya Jirga reflected the current stage of the country's political development. Recurring themes throughout the speeches by delegates from the various provinces included the need to promote national unity in spite of political and ethnic differences; the need to address insecurity in many parts of the country, in particular through disarmament; the need to create a national army that would absorb the multiplicity of local and regional militias; the reform of security agencies; the need to expand education and physical reconstruction to all parts of the country; the need to bring about an ethnically balanced Government; and the need to curb corruption and patronage, directing spending at the population rather than at government officials.

36. While a strong consensus in favour of positive change prevailed on these issues, real political differences also emerged, in particular over the role of the former King and over a fundamentalist agenda put forward by some members of *jihadi* parties. Chairman Karzai emerged from these confrontations as a

consensus candidate for the presidency of the Transitional Administration. Elected overwhelmingly by secret ballot — with 1,295 votes out of 1,575 — he proved to be reassuring to the moderates and the intellectuals, acceptable to the *jihadi* parties and the choice of those who, for ethnic or political reasons, see him as the only option to offset the weight of the Tajik Shura-e-Nazar faction. His election constituted the highlight of the Emergency Loya Jirga.

37. It is a hopeful signal for the long-term future — and a credit to the activism and organization of the women delegates — that, for the first time in Afghan history, a woman, Massouda Jalal, ran for the highest office in government, earning second place to Chairman Karzai in the secret-ballot for President. No less important, another woman was elected by secret ballot as Deputy Chairperson of the Loya Jirga. In collaboration with the Ministry of Women's Affairs, UNAMA had conducted an induction course for the women delegates to the Loya Jirga and provided advice and assistance to them throughout the assembly. A dividend of this collaboration was the creation of a national network of Afghan women delegates that will last beyond the Loya Jirga. UNAMA will continue to lend all possible assistance to the Ministry of Women's Affairs in promoting this process.

38. With regard to transitional structures, President Karzai supported the establishment, already suggested by the Special Independent Commission though not stipulated in the Bonn Agreement, of a transitional national assembly whose members would be selected from among the delegates. This idea was endorsed broadly by the Loya Jirga, but the debate bogged down in disagreements over equitable representation of different regions and ethnic groups. In the end, President Karzai suggested that the concept and the mode of election of the assembly be revisited at a later stage, based on the recommendations of an advisory committee to be selected by the Loya Jirga.

39. While discussions about a national assembly ended in deadlock, the debate on structures provided an opportunity for President Karzai to address the main concerns voiced during the first part of the Loya Jirga. In particular, he recalled the establishment of the Human Rights, Judicial and Civil Service Commissions, which would deal with some of the issues mentioned by delegates. In addition, he promised the early establishment of new national commissions to review and oversee the following areas: national security and defence; formation of a new, broad-based national army that could be trusted by all Afghans; reform of the intelligence services with a view to preventing abuses; the use of foreign assistance; balancing of radio and television programming in order to ensure that the coverage is not biased towards the Government; return of property confiscated from individuals under the communist regime and during the war; ways in which foreign investment could be facilitated and corruption curbed; and privatization of State enterprises. He also announced that mayors would be elected, that military commanders assigned to the various regions would be rotated on a regular basis in order to avoid the creation of vested interests and abuses of authority and that the new Government would include "advisory ministers" to protect the interests of special categories such as nomads and professionals.

40. Consultations undertaken by President Karzai on the last item on the agenda, key personnel of the future Transitional Administration, also proved difficult. Since Bonn, it had been understood that one of the main goals of the Emergency Loya Jirga was to form a Transitional Administration that would be more legitimate, more effective and more balanced than the Interim Administration. There was broad expectation that the new Administration would break the monopoly on security forces (army, police and intelligence services) held by Shura-e-Nazar and, in particular, its senior members from the Panjshir district.

41. On 19 June, following intense consultations, President Karzai announced the names of 14 Ministers and 3 Vice-Presidents, who were subsequently endorsed by the Loya Jirga. The intensity of the pressure that President Karzai was subjected to was demonstrated by the number of days he needed to complete selection of his Cabinet and by his failure to reduce its size (it is in fact larger than that of the Interim Administration). The final Cabinet of the Transitional Administration is composed of 5 Vice-Presidents, 3 Special or National Advisers with Cabinet status, and 30 Ministries. The ethnic balance has changed slightly, with Pashtun representation increasing to just under 50 per cent, and Tajik representation reduced to below one third. There are also three women in the Cabinet. Many observers were disappointed at the inclusion of warlords and faction leaders in the Transitional Administration. The argument of President Karzai and his supporters that

the fragile peace and national unity require the continued participation of major factional leaders will certainly be accepted both inside and outside of Afghanistan. But those leaders must live up to their commitment to national unity, and must integrate their forces within a genuinely national army and an effective national police. In other words, it is imperative for the new Government to make a consistent effort to demonstrate that it has the will and the capacity to deliver on President Karzai's commitment to reform, fairness, reinforced security, stability, national unity and reconstruction.

42. In spite of its shortcomings, the Loya Jirga process has enhanced the prospect of stabilization in Afghanistan. Its legacy includes the promotion of a new standard of legitimacy: namely, that power should be based on popular participation rather than military might — a standard that the warlords themselves had to acknowledge.

VI. Humanitarian relief, recovery and reconstruction

43. Progress has been made in the planning and implementation of UNAMA's relief, recovery and rehabilitation mandate, and in developing its relationship with the Interim Authority. The United Nations system has also made progress organizationally and operationally, with the initiation of planned coordination and management mechanisms.

44. In April, the National Development Framework presented by the Interim Administration to the donor community laid out 12 programme areas in three pillars (Humanitarian and Human/Social Capital, Physical Reconstruction and Natural Resources, and Trade and Investment). These have been organized into programme groups composed of Government, United Nations and non-governmental organization actors. For each programme area, a programme secretariat (normally a United Nations agency, multilateral institution or non-governmental organization) will be appointed to do the following: help manage the programme group, assist the Government to develop strong operational coordination mechanisms, provide technical support in the preparation of the national development budget and channel resources to national capacity-building. Extensive negotiations with the Interim Authority have now culminated in the appointment of the eight initial programme secretariats.[2]

45. United Nations agencies appointed as programme secretariats have been faced with the challenge of helping the Government prepare a national development budget for the period through 31 March 2003. The programme groups have been given responsibility for formulating and recommending national objectives, strategies and policies, and ensuring that an appropriate mix of projects, defined by need, are available for funding. UNAMA supports the national development budget process, and will assist the Government in bringing the needs of Afghanistan to the attention of donors. A process of decentralizing responsibility for area development programming to area offices and provinces has also begun, so that the United Nations and other partners can work together rapidly and flexibly to design area-appropriate programming. These programmes will make use of modest resources to catalyse integrated development in areas of the country most affected by war, the return of refugees and internally displaced persons, and drought.

46. Meanwhile, in January 2002, UNDP launched the Recovery and Employment Afghanistan Programme, which created more than 600,000 man-days of employment for nearly 15,000 persons. Beyond providing fair and dignified employment to participants, the initiative has to date injected $1.8 million into neighbourhoods and villages that lacked economic opportunities. UNDP and the United Nations Office for Project Services have also been engaged in creating jobs in 11 provinces nationwide. Most of these longer-term construction projects focus on the education, infrastructure, health, water and sanitation sectors. So far, some 3,000 unskilled and skilled workers have been employed, creating over 270,000 man-days of employment.

47. UNDP has also helped the Government to set up the donor assistance database. This system will play an increasingly useful role in informing decision-making by the Government, donors and the assistance community. In particular, disbursements will be tracked against the National Development Framework,

[2] Programme secretariats approved are: UNICEF for education, WHO for health, UN-Habitat for urban development, FAO for natural resources, UNHCR for return and reintegration, UNESCO for culture and media, the Mine Action Centre for Afghanistan for the mine action subgroup, WFP for the food aid subgroup.

allowing for a clear comparison of funding to budget targets. Donors are encouraged to make their funding decisions available to this database to ensure that it is complete and up to date.

48. A central component of UNAMA's mandate is to encourage and support national capacity. The support for the payment of the salaries of government civil servants and for office rehabilitation through the Afghan Interim Authority Fund will result in more long-term and structural support. United Nations and other external actors can assist the Government in widening its tax base, establishing a well-remunerated and merit-driven civil service, tracking donor support through the donor assistance database, and coordinating assistance efforts through the programme secretariats. It is envisaged that over a three-year period the United Nations will disengage from programmes and projects more appropriately run by Afghan entities. Government capacity will be supported at the subnational level, primarily through assistance to provincial coordination bodies and to provincial Governors' offices.

49. UNAMA expects to continue its close relationship with, and support for, the Afghanistan Assistance Coordination Authority or its successor. It will also finalize and agree on a transition strategy with the Government. This strategy will outline the steps necessary to build sufficient capacity to allow the Government to take full responsibility for the provision of basic social services. In this context, United Nations agencies will be expected to develop a clear strategy for building capacity in their counterpart ministries.

50. The period under review has been notable for some substantial achievements in the humanitarian and recovery work of the United Nations, its partners and the Government. Despite progress, however, constraints remain. The space for humanitarian action has expanded due to the generally improved security situation throughout the country, but severe security limitations for aid agencies remain in some areas. Of great concern are the various attacks of the kind mentioned earlier in the present report (see para. 18), carried out against international aid organizations in the north. There are also worrying reports of increased harassment of Afghan internally displaced persons, including a number of such incidents in Sar-e-Pul and, reportedly, in Herat. Thousands of Pashtun internally displaced persons in the south are reluctant to return to their areas of origin in the north and west for fear of harassment and discrimination.

51. Despite an uncertain security situation, more than 1.1 million refugees have been assisted by the Office of the United Nations High Commissioner for Refugees to return to Afghanistan this year; 1 million of them have come from Pakistan and 85,000 from Iran. A further 500,000 are expected by December 2002. In addition, an estimated 200,000 refugees have repatriated themselves spontaneously, without assistance. Approximately 200,000 internally displaced person returns have taken place, both assisted and spontaneous. While the return of so many refugees and internally displaced persons is a positive indicator, it is of some concern that well over 50 per cent of the refugees have returned to Kabul and Jalalabad, rather than their places of origin, seriously straining the infrastructure and the provision of basic social services, especially health and education.

52. The Ministry of Education, with the support of the United Nations Children's Fund (UNICEF) and a number of other stakeholders, launched a back-to-school campaign to help 1.78 million children return to school by 23 March. Initial results show that more than twice that number of children may have returned, with an estimated average of 29 per cent female participation assessed in three areas of the country. The Ministry of Education will provide more supplies to schools and accelerate the distribution of school textbooks and teaching resources to meet additional needs. In preparation for the September school term, 5,000 "schools in a box" will be supplied by UNICEF to equip 400,000 students and their teachers. UNICEF is also embarking on a programme to provide all schools with adequate water and sanitation facilities, in addition to comprehensively promoting hygiene education. The target of 1,500 schools will be met by the end of the year. UNICEF and non-governmental organizations are also making significant efforts to improve water and sanitation coverage in rural communities, especially those where large numbers of Afghans are returning.

53. In the health sector, four rounds of polio immunization have been planned for 2002. The first and second rounds were conducted in April and May and covered 5.8 million children, with women comprising a large proportion of the vaccination teams in all parts of the country for the first time in more than five years. A vitamin A campaign targeting 5 million

children was initiated this month. Other interventions have included the provision of essential drugs and medical supplies, covering some 7 million people, the development of mental health services and the rebuilding of infrastructure for reproductive health and maternal and child health care. The World Health Organization has established an office at the National Tuberculosis Institute to support the National Tuberculosis Control Programme.

54. The Mine Action Programme for Afghanistan has increased its activities in 2002: 5,460,174 square metres of suspected mine-contaminated area have been surveyed and marked; 16,225,289 square metres of battle area have been marked; 32,091,000 square metres of surveyed area have been returned to communities for productive use; and 23,825,611 square metres of high priority mine- and unexploded ordinance-contaminated area was cleared during the first quarter of 2002. In addition, 4,400 mine personnel have been trained in disposal techniques for cluster bombs in battle areas.

55. In the food aid and food security sectors, the World Food Programme (WFP) has conducted 58 rapid assessment missions in rural Afghanistan. Preliminary findings highlight persistent malnutrition, indicating a pressing need for food aid in the pre-harvest hunger period. Large-scale food security programming is needed over the long term to reduce the scale of the problem next year and to address severe vulnerability in general. In the meantime, the sale of household assets continues, more children are being pushed into the labour market to support their families, and early marriages are reported to be commonplace. WFP is stepping up efforts to feed about 9 million people until the harvest in July, although the increasing numbers of returning refugees are stretching food aid resources. Overall food pipeline shortages are still a significant issue, forcing a scaling back of ration sizes and reducing WFP's ability to meet urgent needs. Of the $285 million requested to fund its projects in Afghanistan until the end of year, a total of $102 million is still lacking, representing a shortfall of 175,000 tons of food.

56. The joint WFP/Food and Agriculture Organization of the United Nations crop assessment mission has begun in Afghanistan, and information on all areas will be available shortly. There is a marked rise in expected agricultural output in most parts of the country, because of higher annual rainfall in early 2002 compared with that of the last three years. Despite this, preliminary indications are that drought may continue in the southern, eastern and central parts of the country. Lack of precipitation and snow cover has been a factor in the resumption of poppy cultivation, since poppies are drought-resistant and farmers need to irrigate a far smaller area for the same economic gain.

57. Nutrition assessments undertaken by UNICEF, WFP and non-governmental organization partners in recent months have highlighted high levels of chronic malnutrition and micronutrient deficiencies among women and children in particular, especially in drought-affected areas. This analysis points to the need for continued targeting of food aid to the most vulnerable populations. During May 2002, the extent of Afghanistan's vulnerability crisis was confirmed in a study conducted by Tufts University. This assessment — the broadest conducted since the recent crisis began — was based on a survey of 1,100 households. It focused attention on the cumulative effects of drought and conflict on the vulnerability and coping strategies of Afghan households. The main finding of the study was that despite recent improvements in the political environment, increased aid and more favourable recent weather patterns, food insecurity and socio-economic vulnerabilities across the country were likely to persist over the next 18 months, requiring continued and substantial emergency programming. A key implication of the report was that conditions were likely to deteriorate further in view of the higher-than-expected numbers of internally displaced persons and refugees returning to vulnerable areas of the country.

58. It is clear that a humanitarian crisis of considerable magnitude will continue well into next year. The key challenge for the United Nations and its partners is to help as many people as possible escape their vulnerable status through recovery programmes while continuing to address humanitarian needs. We will be able to meet this challenge only with the timely and generous support of the international community, particularly those donors who made generous commitments at the Tokyo Conference in January.

VII. Mission support

59. The mission support component of UNAMA has concentrated on the provision of the immediate support requirements to establish UNAMA and concurrent

logistic support for the Loya Jirga. Effective communications have been established for all seven regional offices. Medical support has been provided and will be further enhanced with the addition of a clinic in the autumn. Air operations have been established, and an aviation safety programme is in place. Training is under way to meet the immediate needs of international and national staff: courses have been held in driver training, first aid and local cultural awareness. In the longer term, training will be a key element in the mission's ability to reduce international mission support staff. Work has therefore begun to develop English-language training and computer courses for national staff and to identify further training needs. Priorities for the mission support component in the coming period include the continuing integration of elements of the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan into UNAMA, and the preparation of logistics and administrative plans to ensure that the mission is able to function effectively throughout the winter.

VIII. Observations

60. **The peace process initiated in Bonn continues to move forward, albeit slowly. So far, all the steps provided for in the Bonn Agreement have been implemented in a timely fashion. It should not be forgotten that the Bonn process is just that: a process, and a long one. Nor should it be forgotten that the fall of the Taliban only ended the large-scale fighting between large military formations. The other factions have neither disbanded nor disarmed; nor have they been integrated into any sort of national formation.**

61. **The Taliban themselves have not formally given up. They may have been significantly weakened, with those left being effectively contained by the anti-terrorist coalition headed by the United States of America. But they are still present, along with remnants of Al-Qa'idah.**

62. **The Emergency Loya Jirga was prepared and held against this background of limited progress, during the short period — six months — since the Bonn Conference. I had repeatedly warned that the Loya Jirga would be a major challenge, and that many difficulties would need to be overcome to make it happen. My Special Representative also conveyed this message on every occasion.**

63. **That expectations were high, and reached unrealistically high levels as the Loya Jirga assembled, is a tribute both to the achievements of the Interim Administration of Afghanistan and the work of the Special Independent Commission for the Convening of the Emergency Loya Jirga. The support of the United Nations for that Commission has been recognized widely.**

64. **It is noteworthy that an enormous logistical undertaking such as the Loya Jirga, with all the attendant political complexities and sensitivities, was carried out within the very tight schedule provided for in Bonn. During the 10 days in which delegates were assembled, no significant security incidents occurred, and the Loya Jirga managed to complete all three tasks set forth in Bonn: election of the Head of State, approval of the structures and appointment of the "key personnel" of the Transitional Authority. The election by Afghans of their first leader after 23 years of conflict, in what was widely considered to have been as close as possible to a free and fair ballot, was a major achievement, as was the participation of an unprecedented number of women delegates.**

65. **Although there were imperfections in the nomination and selection of delegates, the members of the Loya Jirga ultimately constituted a representative sampling of Afghan society. Furthermore, despite efforts at intimidation, many delegates showed great courage and determination by speaking out and expressing controversial positions on a wide range of issues. Delegates realized that most of their important problems and concerns — security, health, education, jobs — were shared by others throughout the country, and many urged that differences be set aside for the sake of national unity. These moments provided hope that the first tentative steps in the process of national reconciliation and unity have now been taken.**

66. **The United Nations has fulfilled its mandate with respect to the Loya Jirga, but its role and responsibilities do not end here. In the coming months, the United Nations system and the international community, in accordance with their mandate, must do their best to assist President Karzai and his Administration. The main tasks**

ahead will be the establishment of a constitutional commission for the drafting of a new Constitution; the convening, within 18 months, of a constitutional Loya Jirga; and preparations for general elections.

67. If the peace process is to succeed, humanitarian and recovery activities must continue alongside these critical political steps. However, donor funding has followed an uneven pattern since the launch of the United Nations Donor Alert in October 2001. Until mid-April 2002, funding made available through the Immediate and Transitional Assistance Programme, the Afghan Interim Authority Fund and bilateral channels amounted to more than $1.1 billion. However, since mid-April, resource flows for humanitarian and recovery activities have slowed dramatically. This slowdown in donor disbursements has caused potentially serious disruptions to programmes addressing the most urgent needs around the country, particularly programmes supporting the return of refugees and internally displaced persons. Of even greater concern is the lack of funding available to the Government to fund its basic services and extend its presence beyond Kabul.

68. In order to fulfil its mandate, and to justify the trust placed in the United Nations by the Afghan people, UNAMA will continue its innovative programme of integration so as to make the best and most efficient use of United Nations assets in Afghanistan. In addition to integrating all elements of the Mission, the United Nations will continue to seek modalities of cooperation with the Transitional Administration that enhance capacity-building and facilitate the eventual transfer of programmes to a competent Afghan Government. The United Nations will also continue to work closely with the international community to ensure that relief, recovery and reconstruction proceed in a timely, coordinated and well-resourced manner.

69. Continuing insecurity in many parts of the country entails the risk of impeding, or even setting back, progress on the political front. In northern Afghanistan in particular, repeated attacks on humanitarian workers have created a climate that has led many aid organizations to consider cutting or curtailing their operations in the region. It is up to local authorities to honour their commitment to address the lack of security and bring the perpetrators of such crimes to justice. Otherwise, this trend could also affect the willingness of donors to invest in recovery and reconstruction projects in the region, which is one of the neediest areas of the country. Until a national army has been formed, and in the absence of an ISAF presence outside of Kabul, this climate of insecurity will be difficult to eliminate. I continue, therefore, to strongly advocate a limited expansion of ISAF beyond Kabul.

70. As the peace process moves forward, there are bound to be new problems, and perhaps even setbacks. President Karzai and his team, along with the people of Afghanistan and the international community, must continue to work together on all fronts — political, security, humanitarian and recovery — with patience and determination, and with neither complacency nor needless panicking, to ensure that peace is consolidated and stability is achieved.

71. Finally, I want to thank my Special Representative and the entire UNAMA team very warmly for their commitment and dedication in helping to bring the Afghan peace process successfully through the Loya Jirga and into the Transitional Administration phase. UNAMA staff members, under the wise and inspired leadership of Lakhdar Brahimi, have endured difficult conditions, long hours, much stress and no rest over the past six months. Yet they have delivered quality results in all of their activities, be they political, humanitarian, developmental, logistical or administrative. I look forward to the continued success of this very important Mission.

United Nations A/ES-10/184–S/2002/738

General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 9 July 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues to wage its bloody military campaign against the Palestinian people and the Palestinian Authority. In defiance of international law and international humanitarian law and the relevant resolutions of the United Nations Security Council, the Israeli occupying forces continue to commit human rights violations, war crimes and State terrorism against the Palestinian people in the Occupied Palestinian Territory, including Jerusalem. All the while, the Israeli occupying forces have continued with the reoccupation of most of the major Palestinian cities and adjacent areas. The Israeli occupying forces have also continued to besiege the headquarters of President Yasser Arafat in the city of Ramallah, endangering his safety and seriously impeding his ability to carry out his duties and responsibilities.

The ongoing Israeli military siege of Palestinian population centres has also entailed, inter alia, severe restrictions on the freedom of movement of all Palestinian persons and goods, including round-the-clock curfews. The curfews have been intermittently lifted, typically for only a few hours at a time, to allow Palestinians to get necessities such as food and medicine. However, due to the strict imposition of these restrictions, basic daily necessities continue to be in serious shortage. Moreover, the restrictions have obstructed access to proper medical care, including the vital work of emergency medical personnel. As a result of all of the above, the socio-economic despair of the Palestinian people continues to deepen with each passing day. Further in this regard, even during the sporadic lifting of curfews, the lives of Palestinians continue to be endangered by the heightened presence of Israeli occupying forces throughout the streets of Palestinian cities. In some such instances, innocent, unarmed civilians, including women and children, have been shot at and killed by the occupying forces.

Indeed, during the recent period of reoccupation, the Israeli occupying forces have continued the use of excessive and indiscriminate force against the Palestinian people, which has resulted in the killing and wounding of numerous Palestinians.

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Moreover, the occupying forces have continued to carry out the illegal practice of extrajudicial execution, assassinating targeted Palestinians. The occupying forces have also continued to raid homes in Palestinian cities, towns, villages and refugee camps, abducting Palestinians and detaining them indefinitely. Hundreds of Palestinians are currently being illegally detained by the occupying Power. At the same time, the occupying forces continue to incur damage and destruction to both public and private Palestinian property, including homes, and vital infrastructure throughout the Occupied Palestinian Territory. A glaring example of such destruction was the recent bombardment and demolition of the Palestinian security headquarters in the city of Al-Khalil on 28 June 2002.

All indications at the current time are that it is the intention of the Israeli Government of Mr. Ariel Sharon to have a prolonged reoccupation of Palestinian areas. On 3 July 2002, the Israeli Prime Minister, Mr Ariel Sharon, was quoted by Israeli political sources to have said that Israeli troops would remain in the reoccupied cities for a "long time". Moreover, the departing Israeli army Chief of Staff, Mr. Shaul Mofaz, a war criminal, has also made such statements. These statements, in conjunction with similar remarks by other Israeli officials, present additional evidence of the policies of Mr. Ariel Sharon and his government to continue with the occupation of Palestinian territory and to prevent, and indeed destroy, any potential for the achievement of peace in the region.

The international community must confront such Israeli policies and positions and must put an end to the Israeli war crimes, States terrorism and other atrocities that are being committed against the Palestinian people. The Security Council bears particular responsibility in this regard as the body responsible for the maintenance of international peace and security and, as such, we once more call on the Security Council to take the necessary action in this regard.

In follow-up to my previous 130 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 28 June 2002 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785;

A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166; A/ES-10/133-S/2001/1239; A/ES-10/134-S/2001/1261; A/ES-10/136-S/2002/18; A/ES-10/137-S/2002/39; A/ES-10/138-S/2002/48; A/ES-10/139-S/2002/58; A/ES-10/140-S/2002/89; A/ES-10/141-S/2002/95; A/ES-10/142-S/2002/102; A/ES-10/143-S/2002/121; A/ES-10/144-S/2002/142; A/ES-10/145-S/2002/146; A/ES-10/146-S/2002/165; A/ES-10/147-S/2002/175; A/ES-10/148-S/2002/182; A/ES-10/149-S/2002/186; A/ES-10/150-S/2002/214; A/ES-10/151-S/2002/223; A/ES-10/152-S/2002/232; A/ES-10/154-S/2002/242; A/ES-10/155-S/2002/248; A/ES-10/156-S/2002/249; A/ES-10/157-S/2002/253, A/ES-10/158-S/2002/258; A/ES-10/159-S/2002/281; A/ES-10/160-S/2002/307; A/ES-10/161-S/2002/319; A/ES-10/162-S/2002/330; A/ES-10/163-S/2002/340; A/ES-10/164-S/2002/353; A/ES-10/165-S/2002/356; A/ES-10/166-S/2002/370; A/ES/10/167-S/2002/433; A/ES-10/168-S/2002/474; A/ES-10/169-S/2002/495; A/ES-10/173-S/2002/536; A/ES-10/174-S/2002/555; A/ES-10/175-S/2002/610; A/ES-10/176-S/2002/617; A/ES-10/177-S/2002/641; A/ES-10/178-S/2002/650; A/ES-10/179-S/2002/654; A/ES-10/180-S/2002/686; A/ES-10/181-S/2002/697; A/ES-10/182-S/2002/699 and A/ES-10/183-S/2002/717), it is my deep regret to inform you that, since my last letter to you, at least 14 more Palestinians have been killed by Israeli occupying forces, raising the total number of Palestinian martyrs killed since 28 September 2000 to 1,670. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 9 July 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem[a] (Saturday, 29 June, through Tuesday, 9 July 2002)

Saturday, 29 June 2002

1. Mohammed Ahmed Mubarak (12 years old)
2. Amneh Musleh Al-Loah

Monday, 1 July 2002

1. Muhanad Hafez Al-Taher
2. Imad El-Din Nour Eldin Durwazeh
3. Mohammed Ahmed Attalah

Tuesday, 2 July 2002

1. Ataf Salem Abu Omreh

Friday, 5 July 2002

1. Jihad Ismail Al-Amarain
2. Wael Jawad Al-Nimreh

Saturday, 6 July 2002

1. Randa Khalid El-Hendi
2. Nour Mohammed El-Hendi (2 years old, daughter of Randa El-Hendi)
3. Khamis Fahmi Shurrab
4. Jrees Samman Al-Dalo

Sunday, 7 July 2002

1. Shokri Fayeq Dahoud (10 years old)

Tuesday, 9 July 2002

1. Moamar Fares Daraghmeh

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[a] The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 1,670.

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Security Council

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English
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Letter dated 9 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to inform you that the Government of Lebanon hereby requests the Security Council to extend the mandate of the United Nations Interim Force in Lebanon (UNIFIL), which expires on 31 July 2002, for a further interim period of six months in accordance with the provisions of Security Council resolutions 425 (1978) and 426 (1978), both of 19 March 1978. It does so in view of the fact that the continued deployment of the Force is necessary if it is to complete the task entrusted to it, given that, as per your pertinent observations in various reports, an important part of its mandate has not yet been fulfilled, particularly "the restoration of international peace and security", and especially in view of the serious violations and provocations committed by Israel on a daily basis on land, at sea and in the air, which constitute ongoing aggression against Lebanese sovereignty and are in breach of Security Council resolution 425 (1978).

In this context, Lebanon stresses the need to maintain the presence of UNIFIL in accordance with resolutions 425 (1978) and 426 (1978), without any change in its strength or its mandate, especially in the light of the conditions prevailing in the area, which have worsened and grown extremely dangerous. This trend is perfectly in keeping with the conclusion you reached in paragraph 11 of your report S/2001/423 of 30 April 2001, to the effect that the reconfiguration of the Force might be reconsidered if "there is any drastic change in the region".

Given the foregoing, it is my Government's belief that any reconfiguration of the Force would undermine the existing sense of security and safety and would hinder the full implementation of the Force's mandate.

The Government of Lebanon wishes to emphasize, furthermore, that the continued deployment of UNIFIL exemplifies the commitment of the international community to the restoration of the full sovereignty and territorial integrity of Lebanon, as stipulated in resolutions 425 (1978) and 426 (1978).

The Government of Lebanon is continuing to take further steps for the effective reinstatement of its authority in the liberated areas, while the Lebanese authorities continue to operationalize public services in the South with a view to its integration with the other regions of Lebanon.

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Lebanon hereby calls upon the Security Council to make efforts for the release of those Lebanese who have for years been detained in Israeli prisons illegally and in barefaced defiance of the Geneva Conventions of 1949 and their Additional Protocols. It urgently demands the removal of the hundreds of thousands of mines left in Lebanese territory by the Israeli occupation, which continue to bring death and injury to civilians and to restrict their freedom of activity and movement, especially now that the United Nations has become aware of the existence of a greater number of such mines.

Lebanon reaffirms its commitment to the peace process in the Middle East with a view to the achievement of a comprehensive, just and lasting peace in the region based on compliance with Security Council resolutions 242 (1967) and 338 (1973) and the principle of land for peace, in accordance with the Madrid terms of reference. The "Arab peace initiative", adopted by the Arab States at the Beirut Summit last March, was a historical step in the direction of a just and comprehensive peace that was met by Israel with rejection and further acts of aggression.

I take this opportunity to pay tribute, on behalf of the Government of Lebanon, to UNIFIL, its commanders and soldiers and the troop-contributing countries for their tireless efforts and the sacrifices they have made to implement the Force's mandate.

Furthermore, the Government of Lebanon wishes to convey to you its appreciation for your tireless efforts, which help to enhance the strength of UNIFIL in southern Lebanon.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Houssam Asaad **Diab**
Chargé d'affaires a.i.

United Nations S/2002/740

Security Council

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10 July 2002

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Letter dated 9 July 2002 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to attach the final report from the United Kingdom of Great Britain and Northern Ireland on the work of the International Security Assistance Force in Afghanistan, covering the period up to the handover of command to Turkey on 20 June 2002 (see annex). I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**

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Annex to the letter dated 9 July 2002 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

International Security Assistance Force: final United Kingdom report to the Security Council

Overview

First six months of ISAF conclude with successful handover of command to Turkey. Co-operation with Afghan authorities and United Nations good. Security situation in Kabul considerably improved, but much remains to be done and co-ordinated progress on Security Sector Reform will be key.

Detail

Following the extension of the mandate of ISAF until 20 December 2002, the United Kingdom handed over command of the ISAF to Turkey on 20th June at a ceremony attended by the President of the newly elected Transitional Authority (TA), Hamid Karzai and Defence Minister, Marshall Fahim Khan. This marked the end of the first six months of the deployment of ISAF to Kabul.

The deployment of ISAF to Kabul has achieved considerable success, most notably a measurable improvement in security. According to ISAF statistical analysis, crime rates across the city remain low (as cited in the last report, crime in Kabul has decreased by as much as 70% since the deployment began). The population at large continues to welcome the security and confidence that ISAF has brought, with the overwhelming majority appreciative of the extension of ISAF's presence until December 2002. The clear role that ISAF has developed as a security assistance force, offering transparent and impartial support, has enabled the population of Kabul to set aside long-standing concerns about the deployment of foreign forces on Afghan soil.

However, it is important to note that ISAF is a security assistance force. ISAF works in partnership with Afghan counterparts. It is because of the commitment and co-operation shown by its Afghan partners that ISAF has been able to report success. For example, co-operation with Kabul Police, with whom ISAF have mounted 2,185 joint patrols, has been a key factor. ISAF is also an international force made up of contributions from 18 troop contributing countries. The professionalism and dedication of these service personnel, and their determination to work together effectively in a challenging environment, has enabled ISAF to deliver results to the benefit of the people of Kabul.

Under UK leadership, ISAF has established productive working relations with the IA. Liaison with key Ministries now operates effectively within agreed parameters and should continue uninterrupted following the handover and the change in personalities occasioned by the inauguration of the TA. The relationship between ISAF and the Ministry of Defence is key and has been developing well over the period under report. These are relationships which both parties have taken efforts to nurture, particularly as the administrative capacity and experience of the Interim Administration has deepened.

ISAF's relationship with UNAMA has been extremely productive over the past six months. Working arrangements are now well established at all levels, from the SRSG and the Commander down. The most obvious example of this relationship was the successful co-operation over ELJ. But, more generally, ISAF and UNAMA maintain close liaison on the overall maintenance of security in Kabul, on civil-military projects and on the implementation of SSR.

The handing over by the United Kingdom to Turkey of the lead of ISAF almost coincided with the successful conclusion of the Emergency Loya Jirga (ELJ) on 19 June. ISAF's contribution to the ELJ was significant and included:

- individual ISAF officers assisting UNAMA and the Loya Jirga Commission in the planning of security procedures for the ELJ, for example, how to safely process over 1500 delegates onto the site;
- the training of the 1st Battalion of the Afghan National Guard (1BANG) to provide perimeter security and a Quick Reaction Force at the ELJ site;
- securing the ELJ site in co-operation with the IA ministries; and
- assisting with a day-care facility for the children of women delegates attending the Loya Jirga.

The ELJ was a vital element in the Bonn Process and in security terms its successful and peaceful conclusion was not only testimony to the work of ISAF and UNAMA, but to that of the IA. The constructive approach of the IA ministries involved in the ELJ was key to resolving many of the potential security issues surrounding the ELJ. An indication of the appreciation in Kabul for the role ISAF plays was tellingly indicated by the particularly sustained ovation given to the outgoing Commander of ISAF, Major-General McColl, at the conclusion of the Loya Jirga.

In conjunction with ISAF's security operations, its programme of Civil-Military Co-operation (CIMIC) played a major role in promoting ISAF as a positive presence in Kabul. Over the last 6 months some US$2.74 million was spent or committed to around 250 CIMIC projects covering the following areas:

- Education
- Health
- Administrative
- Roads and Transportation
- Utilities
- Miscellaneous (including distribution of clothing)

ISAF co-operated with UNAMA over preparations for the second conference on Security Sector Reform (SSR) at Geneva. Donors came forward with a number of sizeable pledges of support for a co-ordinated approach to training the future Afghan National Army and the Police in particular. However, there remains a pressing need to see substantive progress in funds being released to allow visible co-ordination and implementation of SSR on the ground. In particular, progress on the creation of national security institutions will be impeded until an effective and properly funded programme of demobilisation and reintegration is in place. It is hoped that the SSR meeting in Paris in July will advance this agenda.

The coherence of the ISAF mission was successfully maintained during the handover period. The timing of the handover allowed the new Turkish Commander to be in the lead at the beginning of a close relationship between ISAF and the newly inaugurated Transitional Authority; this will provide a firm basis on which to build on relations established between his UK predecessor and the Interim Authority (IA).

ISAF, under Turkish leadership, remains well placed to implement the renewed mandate given by UNSC Resolution 1413. The majority of Troop Contributing Nations are maintaining their contributions to the force. ISAF approaches the next six months with an established base, a strong reputation and good working relationships.

ISAF PARTICIPATING NATIONS

United Kingdom
Germany
Netherlands
France
Italy
Austria
Norway
United States
Sweden
Denmark
Turkey
Spain
New Zealand
Finland
Romania
Bulgaria
Greece
Belgium
Czech Republic

United Nations S/2002/741

Security Council

Distr.: General
10 July 2002

Original: English

Letter dated 10 July 2002 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I would be grateful if you would circulate the present letter and its annex, a letter from Robin Vincent, Registrar of the Special Court for Sierra Leone, as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**

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BEST COPY AVAILABLE

Annex to the letter dated 10 July 2002 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

26 June 2002

Firstly, may I introduce myself as the recently appointed Registrar of the Special Court for Sierra Leone. Whilst I was pleased to have the opportunity on 13 June to meet the representatives of many of those Member States who have contributed to the setting up of the Special Court, I felt that you may welcome an individual note from me to, firstly, update you generally on progress and, secondly, to set out the proposed financial arrangements during the lifetime of the Court.

Inevitably, the preparatory work before establishing a presence in Sierra Leone has involved a significant amount of consultation and detailed arrangements to support a small 'start-up' team. Whilst there are still some details to be finalised, it is my intention that a small team (including myself) will aim to arrive in Freetown in the week commencing 22 July 2002. That team, which will comprise no more than five people, will provide a platform for the arrival soon after of the Prosecutor's advance party.

To enable those arrangements to have been made, a Loan Agreement has been created to permit around eight current UN staff members to fill key positions in the Court to provide the experience necessary. Those members are in the course of being selected. In accordance with the Agreement creating the Special Court, my appointment as a UN staff member has been confirmed.

The remaining, and majority of, staff will be divided approximately between local Sierra Leoneans and International staff. An advertisement exercise has been started involving the use of the UN website. Whilst the original estimate of staff required is around the 260 mark, the first year will see significantly fewer than that and, throughout the life of the Court, may well be fewer than the provisional assessments first made.

May I then turn to the proposed financial arrangements, which I intend to implement once the Court is in operation. Firstly, it was agreed at the meeting on 13 June that the Court's first Financial Year, for purposes of accounting for contributions and reporting progress, would commence with effect from 1 July 2002. Inevitably, there has already been some expenditure incurred against the Trust Fund to support start up activities by the Registry team in New York. The Controller released an initial allotment to the Legal Counsel (as the current programme manager of the Trust Fund) to resource preliminary planning functions, including some construction work in Freetown. That expenditure is unlikely to exceed $200,000 and will be identified separately from expenditure incurred subsequent to 1 July 2002. Secondly, an agreement has been reached with the Controller in UN Headquarters that the contributions, which currently are lodged in a UN Trust Fund, will be transferred en bloc on request to the UN Investment Pool where the funds will attract interest until they are drawn down to the Special Court's Bank Account as required. The Court's Account is with the JP Morgan Chase Bank's branch in UN Headquarters. Thereafter, the arrangements will be based on those arrangements

set out in the attached schedule. You will note that the Court will work with UNAMSIL in Sierra Leone in carrying out a number of payment and accounting activities so as to avoid the duplication of daily, low level financial transactions. The cost of such work carried out by UNAMSIL, on behalf of the Court, will be on a cost reimbursable basis but will obviously reduce the overall cost to the Court.

In the event that there may be those Member States who would like to make their second year contributions, I should add that such contributions will be gratefully received for two main reasons. Firstly, it enables me to plan for the future with greater confidence and, secondly, the interest on such early contributions provides a much needed revenue stream to the Court. Again, contributions should be made to the Trust Fund to be moved into the Investment Pool. I can only repeat that early payment of second year contributions will be of significant assistance to the Court.

A related matter which has arisen is that of the offer of additional voluntary contributions, either in the shape of funds or, for example, the provision of equipment. Whilst the possibility of such contributions is to be welcomed, inevitably the Court will need to ensure that the process is transparent and, particularly, that the independence and neutrality of the Court is not compromised. To that end, rules are in place which ensure both transparency and the approval of the Management Committee.

Turning to the financial reporting mechanisms, in addition to those measures set out in the attached schedule, the Court will provide a regular report direct to Member States on both performance and expenditure against a Business Plan to be produced as soon as possible after arrival in Sierra Leone.

Finally, discussions are taking place with the UN Office of Internal Oversight Services with regard to agreeing on the provision of an audit function in respect of the Court's finances. I hope to be able to provide further information on that aspect in due course.

It remains then, for the moment, for me to express the thanks of those of us who are privileged to be associated with the Special Court for the generosity and patience of contributors.

(*Signed*) Robin **Vincent**
Registrar

Attachment

Enclosure

Arrangements for administering financial operations of the Special Court for Sierra Leone

As an international organization in its own right, the Court through the Registrar will enter into a service agreement on a fee for service basis with UNAMSIL for disbursement and maintenance of accounts and other such services, and with the United Nations Treasurer in respect of banking arrangements.

These arrangements in no way imply any responsibility for any of the United Nations officials in respect of transactions performed at the request of the Registrar or an official designated by him/her.

Contributions to the Special Court will be received by the Treasurer of the United Nations and receipts issued therefor.

Upon approval of the Court's budget, the Registrar will request the Controller to allocate funds. Copies of the allocations will be provided to the UNAMSIL finance office.

The Registrar will establish financial obligations for Court expenditures with the UNAMSIL finance office.

The Registrar will forward appropriate documentation to the UNAMSIL finance office for the disbursal of funds.

The UNAMSIL finance office will record all Court obligations and disbursements in the computerized accounting and disbursing system of the United Nations.

The United Nations will provide appropriate print-outs of the financial records of the Court.

The Registrar will take appropriate steps to select auditors for the purpose of regular audits of the Court's accounts.

The Registrar will be responsible for reporting on the management and accounting/disbursing of funds to interested parties, including contributors.

United Nations S/2002/742

Security Council

Distr.: General
10 July 2002

Original: English

Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1393 (2002) of 31 January 2002, by which the Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2002. It provides an update on the situation in Abkhazia, Georgia, since the report of 19 April 2002 (S/2002/469).

2. My Special Representative for Georgia, Dieter Boden, continued to lead UNOMIG until 5 June 2002, when he ended two and a half years of outstanding service. He is succeeded by Heidi Tagliavini, who assumed her duties on 8 July 2002. In the interim period, UNOMIG was led by the Deputy Special Representative, Roza Otunbayeva. The Chief Military Observer, Major General Anis Ahmed Bajwa (Pakistan), also ended his tour of duty and was succeeded by Major General Kazi Ashfaq Ahmed (Bangladesh) on 6 May 2002. The strength of UNOMIG on 1 July 2002 stood at 108 military observers (see annex).

II. Political process

3. During the period under review, UNOMIG continued its efforts to bring about substantial negotiations between the Georgian and Abkhaz sides on the core issue of the conflict, namely, the future status of Abkhazia within the State of Georgia. With the support of the Group of Friends of the Secretary-General, the Mission renewed its efforts to obtain acceptance by both sides of the paper "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter as a basis for such negotiations.

4. As a step towards this goal, my Special Representative tried to arrange a joint meeting with the Abkhaz leadership in which he, together with the Tbilisi-based Ambassadors of the Group of Friends, would acquaint the Abkhaz side with the substance of the paper on competences prior to actually handing it over. He had a number of discussions with the Abkhaz leadership to obtain its agreement for such a meeting. The Russian Federation, in its capacity as facilitator, also played an active role in these efforts. Between 25 and 31 May, Russian Foreign Minister Ivanov and President Putin's special representative for the Georgian-Abkhaz conflict, Valery Loshchinin, met with Abkhaz de facto Prime Minister Jergenia and de facto Foreign Minister Shamba in Moscow to impress upon the Abkhaz side the need to move forward in the settlement process. My Special Representative was consulted and kept informed throughout the discussions. On 12 June, Mr. Loshchinin travelled to Sukhumi for further consultations with the Abkhaz leadership, including a meeting with Mr. Jergenia, held jointly with the acting Special Representative. Representatives of other members of the Group of Friends attempted to visit Sukhumi as well. However, the Abkhaz side was not ready to receive them. Despite all efforts, the Abkhaz leadership continued to reject any discussion of the paper on the well-known grounds of Abkhazia's self-declared independence (see S/1999/1087, para. 7).

5. These efforts were undertaken against the background of the meeting of Presidents Bush and Putin in Moscow from 21 to 24 May 2002. In a joint declaration on new strategic relations and a joint statement on anti-terrorism, the Presidents expressed their readiness to cooperate in conflict settlement efforts in the South Caucasus, including in Abkhazia,

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and reaffirmed their commitment to preserve Georgia's territorial integrity. During my official visit to Moscow from 4 to 6 June, I also discussed, inter alia, the Georgian-Abkhaz conflict with President Putin and Foreign Minister Ivanov.

6. Although it was not possible to present the paper to the parties, the Georgian and Abkhaz sides continued practical work within the framework of the Coordinating Council's working groups and at ad hoc meetings. On 25 April, in Sukhumi, my Special Representative arranged and chaired a meeting between Georgia's State Minister Jorbenadze and Mr. Jergenia to discuss measures to further stabilize the situation in the Kodori Valley. Each side voiced its views concerning the legality, under the 1994 Moscow Agreement, of the presence of Georgian border guards, the format of patrolling and the establishment of a permanent UNOMIG/Commonwealth of Independent States (CIS) peacekeeping force presence in the upper Valley. They did not reach a mutually agreeable conclusion. On 8 May, the parties continued the consultations in the Coordinating Council's Working Group I (on security matters) in Sukhumi under the chairmanship of the Chief Military Observer. While the differences on the main issues remained, the two sides agreed on continued joint UNOMIG/CIS patrolling and to resolve the outstanding issues through peaceful means only. On 20 May, Mr. Jorbenadze and Mr. Jergenia met again, this time in Gali city. They reaffirmed their intentions to resolve the situation in the Kodori Valley peacefully but were again not able to agree on whether the presence of Georgian border guards in the upper Kodori Valley constituted a violation of the Moscow Agreement.

7. On 25 June, the Coordinating Council's Working Group III (on social and economic issues) met in Tbilisi under the chairmanship of the United Nations Development Programme (UNDP) Resident Representative. The agenda focused on cooperation to improve health care in Abkhazia, Georgia, including the Gali region, electricity infrastructure in Sukhumi and Zugdidi and the implementation of the second phase of the UNDP telecommunications project funded by the German Government (see S/2002/88, para. 21).

8. In a follow-up to the recommendations of the joint assessment mission to the Gali district (see S/2001/59, annex II), the two sides continued to discuss the use of Georgian as the language of education in the Gali region, including in Working Group III. They did not reach final conclusions, but agreed to continue their consultations. In addition, my Special Representative consulted with the two sides on possible ways to strengthen law enforcement in the conflict zone. Both sides agreed to cooperate with a small expert team to be organized by UNOMIG to make an assessment of the specific needs.

III. Operational activities

9. UNOMIG continued its mandated observation activities by carrying out two patrols in the Zugdidi sector and three patrols in the Gali sector each day, as well as a two- or three-day patrol, jointly with the CIS peacekeeping force, to the Kodori Valley about every two weeks. Patrolling by helicopter remained suspended because of security concerns; administrative flights continued on a route over the Black Sea avoiding the conflict zone. The investigation of the shooting down of a UNOMIG helicopter on 8 October 2001 is still ongoing.

Kodori Valley

10. The tensions caused by the situation in the Kodori Valley (see S/2002/469, para. 8) decreased during the period under review, partly due to the joint patrolling by UNOMIG and the CIS peacekeeping force in accordance with the 2 April protocol (ibid., para. 11) and the dialogue between the sides in Working Group I and other forums (see para. 6 above).

11. Due to serious security concerns, patrols to the Kodori Valley were arranged in advance with the Georgian authorities and representatives of the local population. They moved on predetermined routes and were accompanied by a Georgian and local Svan security escort. Under these conditions, independent verification of the military situation in the Kodori Valley was not possible. The patrols were nevertheless a valuable confidence-building measure and a step towards eventual independent monitoring, once the security situation allows. The patrols met Georgian border guards at several locations in the upper Valley, as well as members of the National Guard reserve (consisting of local residents). They also observed three 82-millimetre mortars and approximately 140 boxes of ammunition; Georgian officials stated that the equipment would be removed from the Valley once the access road from the Georgian side opened later in the summer.

12. On 24 April 2002, the Georgian authorities informed UNOMIG officially that the Georgian presence in the upper Kodori Valley consisted of 370 border guards, 540 local National Guard reservists and 17 members of a coordinating group of the Ministry of Defence.

13. Mines in the Kodori Valley continued to be of concern. On 7 May a local resident of the upper Kodori Valley was killed in a mine incident, and on 8 June two CIS soldiers were injured by an anti-personnel mine near the last CIS checkpoint in the Abkhaz-controlled lower Kodori Valley; one of them later died from his injuries. On 28 June, two Georgian border guards, wounded by mines, were evacuated from the Kodori Valley by the CIS peacekeeping force; one of them later died.

Gali and Zugdidi sectors

14. UNOMIG patrols in the Gali sector observed that the level of tension had decreased in comparison with the same period in previous years, when there had been a resurgence of partisan activities in early summer. Feeling more at ease with the current situation and thanks to better weather conditions, returnees to the Gali district started to work in the fields to prepare the next harvest. Similarly, a slight decrease in criminal activities was noticed. However, two bombs exploded on 20 June in Ochamchira, injuring one girl, and another two bombs exploded eight days later in Tsarche, near the main road between Ochamchira and Gali city. In addition, 2 killings, 1 abduction and 12 robberies were reported in May and June, most of them committed in the lower Gali district, and criminal activities across the ceasefire line remained a problem. This is a further indication of the weakness of law enforcement agencies on both sides of the Inguri River, particularly in the Gali district.

15. In the Zugdidi sector UNOMIG patrols found the situation to be calm. A minor roadblock created by internally displaced persons near the main crossing over the Inguri River on 17 May was assessed to be an isolated incident, motivated by a delay in the payment of their allowances. The action group of the internally displaced persons, which blocked the major ceasefire line crossing points in January and February, repeated its statement that, if conditions for returns did not improve, it would resume its protests. On 23 June a demonstration of 700 people, organized by the action group, took place in the centre of Zugdidi.

16. Landmines remained a threat, especially in the Gali sector, where two mine incidents took place, on 29 April and 6 May. In the 6 May incident, four people were killed and two injured. UNOMIG suspended its patrolling until the area was cleared by the CIS peacekeeping force.

17. The activities of the Joint Fact-Finding Group continued to contribute to confidence-building between the parties, in particular since its investigations were recognized as impartial by both sides and helped to reduce mutual accusations in the media. Four cases are ongoing; three cases have been closed in the reporting period.

IV. Cooperation with the Commonwealth of Independent States peacekeeping force

18. UNOMIG and the CIS peacekeeping force continued to cooperate closely and maintained good working relations at all levels. Regular meetings took place between the staff of both organizations, complementing the exchanges between the Chief Military Observer and the Commander of the CIS peacekeeping force. The weekly quadripartite meetings remained an important forum for exchanging views on operational matters.

19. Georgia and the Russian Federation continued their consultations on the extension and possible modification of the CIS peacekeeping mandate. A representative of UNOMIG participated in the consultations as an observer at the invitation of both countries and the CIS. Until now no agreement has been reached.

V. Humanitarian situation and human rights

20. An increasing number of returnees tried to rebuild their lives in the Gali district. Over the last few months, local non-governmental organizations have gradually expanded their activities in the fields of education and culture in Gali city and surrounding villages. With the support of UNOMIG, non-governmental organizations based in Sukhumi have started training programmes for students and teachers.

21. International humanitarian agencies and non-governmental organizations continued their programmes to alleviate the acute food and medical needs of the most vulnerable population in Abkhazia, Georgia, and to conduct demining and small-scale rehabilitation activities. Restrictions on border crossings at the Psou River (see S/2001/401, para. 28) continued to impede their operations.

22. The Office of the United Nations High Commissioner for Refugees (UNHCR) continued its limited humanitarian operation in Abkhazia, Georgia, although criminality remained a threat for returnees and UNHCR staff. UNHCR focused its humanitarian assistance on school rehabilitation in the Gali and Ochamchira districts. It also assisted the most vulnerable elderly population through a Sukhumi-based local non-governmental agency. The United Nations Office for the Coordination of Humanitarian Affairs continued, from its main office in Tbilisi and its sub-office in Sukhumi, to monitor the overall humanitarian situation and facilitate the response provided by international and national aid agencies.

23. The United Nations Human Rights Office in Abkhazia, Georgia, reported a modest improvement in the human rights situation. However, systemic problems in the criminal justice system, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Limited access to qualified legal counsel aggravated the situation. The Human Rights Office remained concerned at the length of pre-trial detentions and violations of due process in individual cases. Since the beginning of July, an independent legal aid office in Gali city began to provide legal advice to the population free of charge.

VI. Support issues

24. In view of the increasing availability of commercial flights to and from Tbilisi, on 17 June 2002 UNOMIG discontinued its overnight weekly flight between Senaki and Istanbul. It could thus increase its administrative flights between Tbilisi and Senaki and between Senaki and Trabzon (Turkey) from twice a week and once a week, respectively, to three times a week. This will greatly facilitate official travel between Tbilisi and Sukhumi (by helicopter between Senaki and Sukhumi), and will result in fewer cancellations of scheduled administrative flights to meet the special requirements of the mission and t political process. The Controller has approved t terms of reference for quick-impact projects as a su account of the Trust Fund in support of t implementation of the Agreement on a Ceasefire a Separation of Forces signed in Moscow on 14 M 1994. The Trust Fund will enable UNOMIG to car out projects in support of confidence-buildi measures, as well as small-scale, quick-impa humanitarian projects in the Gali district to crea conditions conducive to the return of refugees a internally displaced persons.

VII. Financial aspects

25. By its resolution 56/503 of 27 June 2002, t General Assembly appropriated an amount $33,143,700, equivalent to $2,761,975 per month f UNOMIG for the period from 1 July 2002 to 30 Ju 2003. The assessment of these amounts is subject to t decision of the Security Council to extend the mand of the Mission.

26. Should the Security Council decide to extend t mandate of UNOMIG beyond 31 July 2002, recommended in paragraph 33 below, the cost maintaining the Mission until 31 January 2003 wo be limited to the monthly amounts approved by t General Assembly.

27. As at 30 May 2002, unpaid assessed contributio to the UNOMIG Special Account amounted to $1(million. The total outstanding assessed contributio for all peacekeeping operations at that date amount to $1.3 billion.

VIII. Observations

28. There is a regrettable lack of progress on t initiation of political status negotiations between t Georgian and Abkhaz sides. Concerted efforts by t Special Representative, with the full support of t Group of Friends, will continue in order to achieve breakthrough on this key issue. I once again appeal the Abkhaz side in particular to agree to a discussi on the substance of the paper on competences, and use this opportunity to commence negotiations or settlement that would guarantee the rights and intere of the multi-ethnic population of Abkhazia.

29. Tensions in the Kodori Valley decreased during the period under review. However, serious differences between the two sides remain on the measures to be taken to further stabilize the situation. The potential for a new flare-up of hostilities continues to exist. Therefore, the two sides should spare no efforts to work out a mutually acceptable arrangement for the security of the population in, and in the vicinity of, the Valley, so as not to play into the hands of those who seek to use the situation to slow down the political process. In addition, the Georgian side needs to continue to improve security for UNOMIG patrols to enable them to monitor the situation in the Valley independently and regularly, in accordance with the existing agreements.

30. The continuing standstill in the implementation of the Quadripartite Agreement of 4 April 1994 on the return of internally displaced persons to their places of previous permanent residence in safe, secure and dignified conditions remains an issue of concern. I call on both sides to display a genuine commitment to make returns the focus of special attention, and to undertake this task in close coordination with UNOMIG. One practical way to help redress the precarious security situation in the Gali district, which impedes returns, is to explore the possibility of international support for local law enforcement agencies.

31. I must insist that both the Georgian and the Abkhaz sides respect their responsibility to safeguard UNOMIG personnel at all times, especially when hazardous conditions prevail, and to ensure that the Mission's air and road movements are not restricted. The technical investigation into the shooting down of a United Nations helicopter on 8 October 2001 has reached its final stages. I urge the sides to undertake all requisite measures to bring the perpetrators of this barbaric act to justice, as well as those responsible for the 21 September 1998 Sukhumi ambush and for previous hostage-taking incidents.

32. The CIS peacekeeping force plays an important role for UNOMIG's security. It is therefore to be hoped that an agreement on the extension of its mandate can be reached soon.

33. I remain convinced that UNOMIG's presence is essential for creating the conditions for a political process towards a settlement of the conflict, and for moving this process forward. I therefore recommend a further extension of the mandate of UNOMIG for six months, until 31 January 2003.

34. My sincere appreciation goes to my outgoing Special Representative, Dieter Boden, for his effective leadership of the Mission and the imaginative diplomacy with which he pursued the peace process. I am also grateful for the courageous and competent way in which Major General Anis Ahmed Bajwa led the military observers in this challenging environment. The men and women of UNOMIG, who day by day carry out their duties in often difficult and dangerous circumstances, deserve all our admiration.

Annex

Countries providing military observers (as at 1 July 2002)

Country	*Military observers*
Albania	1
Austria	2
Bangladesh	8
Czech Republic	5
Denmark	6
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	7
Poland	4
Republic of Korea	5
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
Ukraine	3
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**108**

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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 8 July 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the continuing failure of the Lebanese Government to act, in accordance with its international obligations, to bring an end to ongoing violations of the Blue Line by the terrorist organization Hizbullah.

In recent weeks, Hizbullah terrorists have repeatedly fired shells at targets on the Israeli side of the Blue Line. These shells have fallen on civilian towns and villages in northern Israel, forcing residents to seek refuge in bomb shelters. On 23 June, a shell fell on the Israeli village of Kfar Yuval in the eastern Galilee, dropping through the roof and into the living room of a private home. The following day, Hizbullah launched another attack, firing a barrage of anti-aircraft shells over parts of the northern Galilee. Burning shrapnel fell in a number of communities, sending people running for cover.

It is clear from these developments that Lebanon is refusing to comply with the resolutions of the Security Council and to fully commit itself to the global counter-terrorism campaign. Lebanon prefers to pay lip service to this effort while at the same time continuing to harbour, support and encourage terrorists and permitting them to build an infrastructure in Lebanese territory, including the accumulation of thousands of Katyusha rockets capable of striking civilian targets inside Israel. Lebanon's duplicitous policy was exemplified by the letter dated 20 June 2002 (A/56/994-S/2002/687) from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations, in which he denied both Hizbullah's terrorist intentions and credible reports that Al-Qaida terrorists are present in Lebanese territory.

Such denials fly in the face of all that is known about Hizbullah and its lengthy and well-documented history of global terrorism, conducted with the active support of the Governments of Syria and Iran. In the nearly two decades since its founding, the organization and its operatives have been involved in numerous terrorist actions, both in the Middle East and beyond, including the bombing of the Multinational Force headquarters in Beirut in 1983, which claimed the lives of 240 United States Marines and 58 French soldiers; the hijacking of a TWA jetliner in June 1985; the

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bombing of the Embassy of Israel in Buenos Aires in 1992; and the bombing of the AMIA Jewish Community Centre in the same city in 1994.

Hizbullah's terrorist operations across the Blue Line have continued in the past two years, despite Israel's full withdrawal from Lebanese territory and full compliance with resolution 425 (1978), as confirmed by both the Secretary-General and the Security Council. Hizbullah has knowingly endangered civilian communities on both the Israeli and the Lebanese sides of the Blue Line, kidnapped and killed Israeli soldiers, and attempted to lure civilians to meetings under false pretences with the express purpose of taking them hostage. On Monday, in an interview with the newspaper *Asharq al-Awsat*, Sheikh Mohammed Ra'ad, a member of the Lebanese Parliament and a leader of Hizbullah's political faction, said that the Blue Line was a "superpower's demarcation and we don't recognize it".

Hizbullah's support for, and commitment to, acts of terrorism is made clear by the increasingly belligerent statements of the organization's leadership, which include praise for Palestinian suicide bombers and pledges of continued support for terrorist activities targeting Israeli civilians. Hizbullah leader Sheikh Hassan Nasrallah, in a speech on 6 June 2002, said the following regarding Palestinian suicide bombings:

> "The most effective and important weapon that tends to be enormously available, protected, used when needed, and continuously insured, is the act of martyrdom ... It is a very simple action yet it is very efficient ... Unfortunately we all have heard over the past few weeks some officials of the Palestinian Authority tending to present the act of martyrdom as being a reason, which leads to the destruction of the Palestinian people. This means they are trying to say that the act of martyrdom is not only useless, but in addition it causes harm to the national aspect, and this is a very dangerous say. Doubting the legitimacy, morality, and benefits of this weapon must be confronted." (translation taken from http://www.hizbollah.org/english/amin/k2002/k20020618.htm)

These Hizbullah actions come amid a growing number of troubling reports of Al-Qaida activity in Lebanon. In recent years Al-Qaida has established a broad infrastructure in Lebanon, centred mainly in the Ein Hilweh refugee camp near Sidon, but the organization's presence has increased in the last few months as operatives have fled Afghanistan and sought safe haven in Lebanese territory. Al-Qaida's Lebanon operations are headed by Abu Mohammed al-Masri, a terrorist leader who was deeply involved in the plot to attack American and Israeli targets in Jordan in 1999. Al-Qaida has also been affiliated with the Lebanese-Palestinian group Asbat al-Ansar, to which it has provided funding; the leader of Asbat al-Ansar, known as Abu Muhjin, is currently in hiding in Ein Hilweh.

Both the Secretary-General and the Security Council have affirmed the need to respect the integrity of the Blue Line and the responsibility of the Government of Lebanon to ensure a calm environment in southern Lebanon. The Secretary-General, in his statement to the Security Council on 20 May 2002, reaffirmed that any attack across the Blue Line, including in the Shab'a Farms area, constitutes a violation of Security Council resolutions. For its part, the Security Council has confirmed Israel's full compliance with resolution 425 (1978) and has called upon the Government of Lebanon to fulfil its remaining obligations under that and subsequent resolutions.

Lebanon has yet to respond to these calls and currently stands in breach of international law and Security Council resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001), 1365 (2001) and 1391 (2002), which call for the restoration of effective Lebanese authority in the area. The Government of Lebanon is also in violation of Security Council resolution 1373 (2001) and established principles of international law, which clearly call upon all States to refrain from providing any support, whether active or passive, to all persons or entities involved in terrorist acts, and to ensure that their territory is not used as a base for cross-border attacks. Lebanon has also failed to comply with other provisions of that resolution, most significantly by refusing to freeze the assets of Hizbullah or close down the offices of the rejectionist Palestinian organizations that operate in Beirut.

No amount of finger-pointing can blur the undeniable fact that the cause of instability along the Blue Line is the abject failure of the Lebanese Government to fulfil its responsibilities under relevant Security Council resolutions and international law and its continuing refusal to resolve disputes by peaceful means, as mandated by the Charter of the United Nations. Were Lebanon, rather than engaging in apportioning blame and diversionary tactics, to simply meet the obligations required of all States to prevent their territory from serving as a base for terrorist attacks, tensions in the area would be immeasurably defused. It is incumbent upon the international community to make clear to Lebanon, as well as to the Governments of Iran and Syria, that it will not tolerate their continued support for illegal cross-border attacks that jeopardize international peace and security.

The present letter is submitted as a follow-up to previous letters concerning the dangerous situation in southern Lebanon caused by the illegal attacks perpetrated by Hizbullah across the Blue Line, dated 10 April 2002 (A/56/913-S/2002/374), 3 April 2002 (A/56/899-S/2002/348), 2 April 2002 (A/56/898-S/2002/345), 21 March 2002 (A/56/884-S/2002/301), 24 January 2002 (A/56/793-S/2002/115), 17 January 2002 (A/56/778-S/2002/79), 24 October 2001 (A/56/507-S/2001/1012), 5 October 2001 (A/56/443-S/2001/942), 6 July 2001 (A/56/161-S/2001/673), 16 April 2001 (S/2001/367), 16 February 2001 (A/55/792-S/2001/142), 6 February 2001 (A/55/767-S/2001/111), 26 November 2000 (S/2000/1121), 23 October 2000 (S/2000/1011), 19 October 2000 (S/2000/1002) and 7 October 2000 (S/2000/969).

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations S/2002/744

Security Council

Distr.: General
10 July 2002

Original: English

Report of the Secretary-General on Ethiopia and Eritrea

Introduction

1. The present report is submitted pursuant to Security Council resolution 1398 (2002) of 15 March 2002, by which the Council extended the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE) until 15 September 2002. In accordance with paragraphs 7 and 9 of that resolution, the report proposes, subject to the agreement of the two parties, ways in which UNMEE can contribute to the orderly and expeditious implementation of the 13 April 2002 delimitation decision of the Eritrea-Ethiopia Boundary Commission.

Engaging the parties on the way forward

2. From March to early April 2002 my Special Representative, Legwaila Joseph Legwaila, continued to engage the parties in consultations on a mechanism for the implementation of the then forthcoming delimitation decision. In the discussions it became clear that coordination in the next phase would be carried out primarily on the basis of ready and effective access of my Special Representative to senior officials of the two parties. My Special Representative was also in close contact with the Guarantors and Facilitators, as well as members of the Group of Friends of UNMEE, who have been very helpful in moving the peace process forward. I have also had useful discussions with the President of Eritrea, Isaias Afwerki, and the Prime Minister of Ethiopia, Meles Zenawi, on several occasions during this period, in addition to helpful exchanges with the Secretary-General of the Organization of African Unity, the Facilitators of the peace process and the Friends of UNMEE.

3. The Boundary Commission issued its delimitation decision on 13 April. Members of the Security Council welcomed this decision in a statement to the press that same day, and both parties were quick to embrace it. In my statement of 16 April, I emphasized that the parties, in reaffirming their acceptance of the decision, had reached an important milestone in the peace process. On the same day, Council members commended the parties' commitment to accept the decision as final and binding.

4. On 26 April, Ethiopia notified the United Nations that it would prohibit personnel of UNMEE as well as the Secretary and Field Office of the Boundary Commission from crossing from Eritrea into Ethiopia. These measures were put into effect on 27 April. Ethiopia stated that it had not been properly consulted regarding UNMEE logistical support for and transport of personnel of the Boundary Commission's Secretary and Field Office; that UNMEE had not kept its personnel lists properly updated; that the Mission had improperly transported international journalists from Asmara to Badme; and that the Boundary Commission had failed to open a field office on the Ethiopian side of the border.

5. My Special Representative immediately flew to Addis Ababa to seek clarification of Ethiopia's concerns and to resolve the problem as soon as possible. The Government of Ethiopia subsequently focused criticism on the Force Commander of UNMEE, saying they had lost confidence in him. At the same time, they agreed to suspend the closure of the border.

6. I instructed UNMEE to review its procedures and to make any adjustments that might be necessary to ensure that it maintained strict impartiality. I assured

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the Government of Ethiopia accordingly and expressed my continued confidence in and support for the Force Commander.

7. On 13 May Ethiopia submitted to the Boundary Commission a request for interpretation, correction and consultation. The Commission issued its decision on that request on 24 June.

8. In accordance with the Agreement on Cessation of Hostilities and with resolution 1398 (2002), UNMEE continues to carry out its mandate, including by ensuring that security arrangements remain in effect until demarcation is completed by the Boundary Commission. UNMEE has thus continued to monitor the situation in the Mission area, which has remained calm and stable.

9. The continuing fulfilment of the UNMEE mandate in the essential area of security will require careful planning and coordination, with the parties, of the steps required to implement the Boundary Commission's delimitation decision. As discussed in more detail below, the timely completion of the Mission's mandate, linked in the Agreement on Cessation of Hostilities and in resolution 1320 (2000) to the demarcation of the boundary, will also require mine clearance in support of demarcation.

10. To follow up these issues and to give additional momentum to the peace process, I dispatched the Under-Secretary-General for Peacekeeping Operations on a mission to the region from 17 to 21 June. During that visit he met in Ethiopia with the Prime Minister, Meles Zenawi, the Minister for Foreign Affairs, Seyoum Mesfin, and the Commissioner for Coordination with UNMEE, Brigadier General Yohannes Gebremeskel. In Eritrea he met with the President, Isaias Afwerki, the Minister for Foreign Affairs, Ali Said Abdella, and the Commissioner for Coordination with UNMEE, Brigadier General Abrahaley Kifle.

11. The Under-Secretary-General for Peacekeeping Operations discussed with the parties the next steps in the peace process and the role of UNMEE in supporting their efforts. On the basis of that mission, and the ongoing discussions between my Special Representative and the parties, it would be useful at this time to make recommendations to the Security Council as to the roles that UNMEE could play to help ensure the expeditious and orderly implementation of the Boundary Commission's delimitation decision. These recommendations fall into three categories: mine clearance in support of demarcation; modalities for the transfer of territorial control; and practical support to the Boundary Commission's Field Office.

Mine clearance in support of demarcation

12. In its fourth report, the Boundary Commission expressed the hope that the Council would be able to adjust the scope of the mandate of UNMEE to allow it to assist the Commission in the demarcation stage, including the crucial task of mine clearance. In resolution 1398 (2002), the Council then invited me to submit recommendations on the role of UNMEE in the demarcation process, with particular regard to demining. My Special Representative has consulted closely with the President of the Boundary Commission so as to ensure that my recommendations are in accordance with the general thinking guiding the Commission.

13. As part of its operational demining, UNMEE has continued to clear access routes to the border area which may also be helpful in reaching pillar sites during the demarcation process. Subject to the Council's concurrence and in consultation with the parties, UNMEE is also prepared, within its existing authorized strength, to clear the pillar sites themselves, once these are determined, in addition to any other sites required for surveying purposes by the Commission's Field Office. This work would be carried out by the Mission's military component in coordination with the Mine Action Coordination Centre and national authorities. Since there is no other international entity in a position to initiate operational demining for demarcation in a timely and effective manner, I believe UNMEE is best suited to undertake these tasks.

14. In addition, civilian contractors would provide quality assurance and verification, a standard practice in such circumstances. Such contractors would be managed by the UNMEE Mine Action Coordination Centre and funded from the United Nations Trust Fund for the Delimitation and Demarcation of the Border. The parties would continue to carry out humanitarian demining in the border area, in accordance with well-established practice, so that their respective peoples could inhabit and productively utilize the land. In this connection, I would appeal to the donor community to

continue supporting the important work of humanitarian mine clearance in Eritrea and Ethiopia.

Modalities for territorial transfers

15. In accordance with resolution 1398 (2002), it is essential for the parties and UNMEE to agree on technical modalities for the orderly transfer of territorial control. Until additional information on demarcation becomes available, it is difficult to discuss with the parties such modalities except in a generic fashion. My recommendation below, therefore, constitutes a sequence of broad steps that, if accepted by the parties, would help to ensure an orderly process. This sequence of steps can be considered without prejudice to the timing of the transfers of territorial control. For example, these steps could begin in each segment as soon as it is demarcated or could be carried out in rather rapid succession after all segments have been demarcated. In the latter case, a slight adjustment of the mandate of UNMEE may eventually be required, since its termination is linked, in the Agreement on Cessation of Hostilities and in resolution 1320 (2000), to the completion of demarcation. The steps set out below would not proceed in any given segment until after it has been demarcated.

- First, UNMEE would adjust its own deployment within the area(s) to be transferred in order to provide better monitoring and help to enhance confidence.
- In the second step, the withdrawing party would redeploy its civilian administration, local militia and police, and armed forces. UNMEE would coordinate with them to ensure that they redeploy in accordance with the new boundary.
- In the third step, UNMEE would verify that the withdrawing party had redeployed correctly.
- In the fourth step, the incoming party would establish its civil administration, including local militia and police, in anticipation of the return of civilians. The precise timing of the redeployment of the incoming party's armed forces would depend on the timing of territorial transfers.
- Fifth, the incoming civilian population would return. The UNMEE Mine Action Coordination Centre, the United Nations humanitarian agencies and non-governmental organizations would play a significant rehabilitation and reconstruction role.

16. These steps are intended as a broad framework for the consideration of the parties. With the support of the Security Council, UNMEE would work with them on the detailed arrangements of implementation.

Administrative and logistical support for demarcation

17. Finally, in accordance with resolution 1344 (2001), UNMEE has responded favourably to the Boundary Commission's explicit request for administrative and logistical support to its Field Office. This includes such assistance as the provision of office space, communications, transport, medical evacuation services and liaison functions. Costs related to the provision of such assistance are defrayed from the United Nations Trust Fund for the Delimitation and Demarcation of the Border. It should be emphasized that the Mission's assistance is limited to practical support; UNMEE has no involvement in, or influence upon, the decisions of the Boundary Commission and its Field Office.

18. Ethiopia initially objected to UNMEE support to the Field Office on the grounds that it had not been fully consulted. The meeting of the Boundary Commission on 21 May provided an excellent opportunity for ensuring complete transparency on this question, and I hope that these discussions will allow the Commission's Field Office to carry out its work in a timely manner. In the meantime, however, the Field Office personnel of the Boundary Commission have been unable to operate in Ethiopia, as noted in the fifth report of the Boundary Commission (see the annex to the present report). This and other reasons for delay are a source of serious concern, since the completion of demarcation is a prerequisite to the early withdrawal of UNMEE.

Observations

19. The parties accepted the delimitation decision of the Boundary Commission as "final and binding" promptly after its announcement on 13 April. This was a clear manifestation of their desire for a final settlement and yearning for a lasting peace. During the visit of the Under-Secretary-General for Peacekeeping

Operations, both parties emphasized to him their interest in the expeditious demarcation of the border by the Boundary Commission. The reasons cited included the need to put the border issue definitively behind them, as well as to enable displaced persons to return home.

20. I cannot emphasize enough the importance of this matter. The Boundary Commission's handling of demarcation will no doubt be thorough, objective, and exceptionally professional, as was the case with delimitation; all parties concerned must do their part to allow the Commission's work to move forward quickly. The lives of the affected populations have been plagued by uncertainty for far too long.

21. Both countries, moreover, would benefit from the reorientation of resources to reconstruction and development, which will be facilitated by the disposition of the border issue. It is my hope that, upon completion of the transfer of territorial control, substantial additional international and national resources will be directed towards peoples in need in both countries.

22. In the meantime, it is important for the donor community to be generous to the parties and to the United Nations agencies, funds and programmes providing assistance for immediate humanitarian needs as well as longer-term development. I am appreciative of the support provided to the Trust Funds for Mine Action, for Quick-Impact Projects, and for the Delimitation and Demarcation of the Border, and count on the continuing support of Member States. These funds are key tools in preventing loss of life, alleviating suffering, consolidating peace at every phase, and moving the peace process forward.

23. Until the completion of demarcation and the transfers of territorial control, the security arrangements maintained by UNMEE will remain essential. In connection with the maintenance of stability in areas adjacent to the Temporary Security Zone, I am concerned by recent press reports regarding new settlements in the border area. I understand that Eritrea has in this regard requested from the Boundary Commission an order for interim measures of protection. Without in any way intervening in the Boundary Commission's responsibilities, and irrespective of where any such settlements might fall in relation to the delimitation line defined by the Boundary Commission, it is clear that the risk of misperception on either side could be high. I therefore appeal to the parties, in the interest of maintaining stability, to refrain from establishing any new settlements in areas near the border until they have been demarcated and the orderly transfer of territorial control has been accomplished.

24. The sooner these tasks can be completed, the sooner any risks of potential conflict between the parties can be eliminated and the positive benefits of peace can be fully realized. I therefore count on all concerned to move forward responsibly and expeditiously, in order to complete the work before us in a timely and orderly manner.

25. As outlined in paragraphs 13, 14 and 17 of the present report, it is recommended that the Security Council make an adjustment to the mandate of UNMEE, so that the Mission would carry out the tasks requested by the Boundary Commission. The practical capabilities available to UNMEE on the ground make it particularly suitable to assist the Boundary Commission promptly and effectively.

26. I would appeal especially to the parties to exercise restraint at this crucial juncture between delimitation and the completion of demarcation, and to cooperate fully with UNMEE in the discharge of its mandate. The successful conclusion of this process, in which the parties have invested heavily, is within sight. The continuing exercise of statesmanship on both sides will ensure that it is reached.

27. In conclusion, I wish to express my appreciation to my Special Representative, Legwaila Joseph Legwaila, and to all military and civilian personnel of UNMEE, as well as humanitarian workers and representatives of non-governmental organizations operating on the ground, for their tireless efforts towards peace between Ethiopia and Eritrea. I would also like to express my particular gratitude for the very professional and hard work of the Boundary Commission, as well as for the invaluable support UNMEE has received from the Organization of African Unity and the Member States assisting in this process.

Annex

Fifth report of the Eritrea-Ethiopia Boundary Commission to the Secretary-General of the United Nations

1. This is the fifth report of the Eritrea-Ethiopia Boundary Commission, covering the period 1 March to 31 May 2002.

2. The principal development during this period has been the delivery on 13 April of the Decision of the Commission delimiting the boundary. The text of the Decision has been transmitted to you and to the Secretary-General of the Organization of African Unity, as required by the Agreement of December 2000. You have circulated it as document S/2002/423. The Decision covers the whole of the boundary. Both Parties have made statements accepting the Decision.

3. On the same afternoon as the delivery of the Decision, the Commission held a meeting with the Parties to discuss the procedure for demarcation. However, neither Party was at that stage prepared to enter into this discussion. A further meeting was arranged for 8 May but was postponed until, and was held on, 21 May. Representatives of the United Nations Mission in Ethiopia and Eritrea (UNMEE) (in particular, the Special Representative of the Secretary-General, H.E. Mr. Legwaila J. Legwaila) and of the Department of Peacekeeping Operations of the United Nations Secretariat were present as observers.

4. In the meantime, preparatory work for the demarcation had already begun. Aerial photography of the border in connection with the construction of the definitive 1:25,000 scale map of the border region commenced immediately after the Delimitation Decision indicated where the boundary would be, and a certain amount of work on the ground in this connection was done by the Chief Surveyor appointed by the Secretary of the Commission. On 27 April 2002, however, before the necessary ground work was completed, the Government of Ethiopia prohibited further work within the territory under its control. This was followed on 15 May by a letter to me from the Minister for Foreign Affairs of Ethiopia containing certain criticisms of UNMEE regarding logistical assistance given to the Chief Surveyor and expressing doubt about the neutrality of the Boundary Commission's Field Office. That letter also contained a request for an update on the work of the Field Office. This was subsequently provided in the meeting between the Commissioners and the Parties on 21 May (see below). In the meantime, Ethiopia has continued to prohibit work by the Commission's surveyors on the ground, notwithstanding my request that the prohibition be lifted. At the meeting on 21 May, I again urged the Ethiopian Government to lift the ban so that the Chief Surveyor's work could be completed before the beginning of the rainy season. It was made clear to both Parties that each is obliged to cooperate with the demarcation process, and that neither may raise special conditions for its cooperation. At the time of writing of this report the ban has not been lifted.

5. On 13 May, within the 30-day period allowed for such steps in the rules of procedure of the Commission, the Government of Ethiopia filed a "Request for Interpretation, Correction and Consultation". This has been transmitted to the Government of Eritrea for its comments, to be filed by 14 June. The Commission expects to give its decision on this request by the end of June.

6. On 17 May, the President of Eritrea sent me a letter raising, rather unusually in relation to an arbitral proceeding, a number of questions regarding the Decision, though without giving any details as to why the questions were raised: had the Commission adhered to the provisions of the December 2000 Agreement relating to the law to be applied by the Commission; had the Commission acted in accordance with the appropriate procedural requirements; had the Commission permitted itself to be influenced by any political pressure or similar considerations; and was the Decision final and binding? I replied on 21 May, affirmatively to the first, second and fourth questions and negatively to the third.

7. The meeting between the Commission and the Parties on 21 May was devoted entirely to various aspects of the demarcation process. In particular, information was shared with the Parties about the modalities of demarcation, the concerns of the Parties were heard and discussed and detailed information was given to them regarding the technical aspects of the demarcation. Consideration was given to the role of UNMEE in the process, including the work of its demining component, the UNMEE Mine Action

Coordination Centre (MACC), as well as to the establishment and role of field offices of the Commission within Ethiopia. The Government of Ethiopia was urged to resume without delay its cooperation with the Commission in the demarcation process. I undertook that the Commission would prepare detailed demarcation directions setting out the procedures to be followed during the demarcation, taking into account the concerns expressed by Ethiopia, and that the directions would be circulated in draft to the Parties for their comments. The preparation of this document is presently in hand.

8. The meeting on 21 May was adjourned for an hour and a half to enable a working group consisting of representatives of the Parties and the Secretary and the Chief Surveyor to discuss informally the location of field offices in Ethiopia. Unfortunately, no agreement could be reached.

9. Nonetheless, it is to be hoped that, as a result of the meeting on 21 May and the subsequent provision of the information requested, the Government of Ethiopia will be able to resume its cooperation with the Commission and thus enable the demarcation to proceed as it should. If the completion of the 1:25,000 map, which is essential for the demarcation, is not held up further, the Commission expects that the identification of the places at which boundary markers are to be located can be completed in October/November 2002, that the necessary local demining can then begin, that it can be concluded by the spring of 2003 and that the emplacement of the boundary markers can be begun in parallel with the demining. The work will proceed in stages, on a segment-by-segment basis, in an order to be determined by the Commission. I am, of course, concerned by the fact that the work of demarcation has already suffered delay. The schedule mentioned above can only be fulfilled if the present impediments to the Commission's work are speedily removed.

10. The next meeting between the Commission and the Parties to consider further the demarcation process has been fixed for 16 July in The Hague.

11. A memorandum of understanding governing the relations of UNMEE and the Boundary Commission was signed on 2 April 2002.

12. It bears recalling that, although an extensive degree of consultation about the demarcation process is taking place between the Commission and the Parties, the responsibility for the demarcation rests with the Commission as mandated by article 4(2) of the Agreement of 12 December 2000. It is for the Commission to decide on how the demarcation will be carried out and for the Parties to cooperate with the Commission as provided in article 4(14) of the same Agreement and article 30(2) of the rules of procedure.

13. The Security Council will no doubt bear in mind that the Commission is now moving into the most costly phase of its work and that this will require substantial additional contributions to the Trust Fund.

14. Finally, may I, on behalf of the Commission, thank the Security Council for its continued support of the work of the Commission — support which is of great importance if we are to be able to continue expeditiously with the demarcation.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Commission

30 May 2002

United Nations A/56/1002–S/2002/745

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Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 8 July 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to transmit the text (in English and Spanish) of the Inter-American Convention against Terrorism, adopted at the thirty-second regular session of the General Assembly of the Organization of American States, held at Bridgetown, Barbados on 3 June 2002 (see annex).

I should be grateful if you would have the text of the Convention circulated as a document of the General Assembly, under agenda item 166 entitled "Measures to eliminate international terrorism", and of the Security Council.

(*Signed*) Adolfo Aguilar **Zinser**
Permanent Representative of Mexico to the United Nations

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Annex to the letter dated 8 July 2002 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

AG/RES. 1840 (XXXII-O/02)

INTER-AMERICAN CONVENTION AGAINST TERRORISM

(Adopted at the second plenary session held on June 3, 2002)

THE GENERAL ASSEMBLY,

REAFFIRMING the principles and provisions contained in the Charter of the Organization of American States and the Charter of the United Nations;

RECOGNIZING the threat that terrorism poses to democratic values and international peace and security, and that it is a source of profound concern to all member states;

CONVINCED that the Charter of the Organization of American States and international law constitute the appropriate framework for strengthening hemispheric cooperation for the prevention, combating, and elimination of terrorism in all its forms and manifestations;

BEARING IN MIND resolution RC.23/RES. 1/01 rev. 1 corr. 1, "Strengthening Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism," of the Twenty-Third Meeting of Consultation of the Ministers of Foreign Affairs of September 21, 2001, which entrusted the Permanent Council with preparing a Draft Inter-American Convention against Terrorism;

RECALLING the Declaration of Lima to Prevent, Combat, and Eliminate Terrorism and the Plan of Action on Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism, adopted within the framework of the First Inter-American Specialized Conference on Terrorism, in Lima, Peru, in April 1996, as well as the Commitment of Mar del Plata, adopted at the Second Inter-American Specialized Conference on Terrorism, and the work of the Inter-American Committee against Terrorism (CICTE);

CONSIDERING that terrorism is a serious criminal phenomenon, which is of deep concern to all member states; attacks democracy; impedes the enjoyment of human rights and fundamental freedoms; threatens the security of states, destabilizing and undermining the foundations of all society; and seriously impacts the economic and social development of the states in the region;

BEARING IN MIND that the Inter-American Democratic Charter recognizes the commitment by member states to promote and defend representative democracy and that no democratic state can be indifferent to the clear threat that terrorism poses to democratic institutions and freedoms;

REAFFIRMING that the fight against terrorism must be undertaken with full respect for national and international law, human rights, and democratic institutions, in order to preserve the rule of law, liberties and democratic values in the Hemisphere, which are essential components of a successful fight against terrorism;

CONVINCED that the adoption, ratification, and effective implementation of the Inter-American Convention against Terrorism contribute to the progressive development and the codification of international law;

UNDERSCORING the importance of effective action in cutting off the supply of funds for terrorism, and of coordinated action with international entities competent in the area of money laundering, especially the Inter-American Drug Abuse Control Commission (CICAD);

RECOGNIZING the urgency of strengthening and establishing new forms of regional cooperation against terrorism with a view to its eradication; and

RECOGNIZING the importance and timeliness of the existing international legal instruments on combating terrorism, including the 10 international instruments considered for the text of the Inter-American Convention against Terrorism itself, as well as the Convention to Prevent and Punish the Acts of Terrorism Taking the Forms of Crimes against Persons and Related Extortion That Are of International Significance, adopted by the General Assembly itself on February 2, 1971; the Convention on Offences and Certain Other Acts Committed on Board Aircraft, adopted in Tokyo on September 14, 1963; and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, adopted in Montreal on March 1, 1991,

RESOLVES:

1. To adopt the Inter-American Convention against Terrorism attached to this resolution and to open it for signature by the member states on this date.

2. To urge member states to ratify the Convention as soon as possible, in accordance with their constitutional procedures.

3. To request the Secretary General to present a report to the General Assembly at its thirty-third regular session on progress made toward the Convention's entry into force.

INTER-AMERICAN CONVENTION AGAINST TERRORISM

THE STATES PARTIES TO THIS CONVENTION,

BEARING IN MIND the purposes and principles of the Charter of the Organization of American States and the Charter of the United Nations;

CONSIDERING that terrorism represents a serious threat to democratic values and to international peace and security and is a cause of profound concern to all member states;

REAFFIRMING the need to adopt effective steps in the inter-American system to prevent, punish, and eliminate terrorism through the broadest cooperation;

RECOGNIZING that the serious economic harm to states which may result from terrorist acts is one of the factors that underscore the need for cooperation and the urgency of efforts to eradicate terrorism;

REAFFIRMING the commitment of the states to prevent, combat, punish, and eliminate terrorism; and

BEARING IN MIND resolution RC.23/RES. 1/01 rev. 1 corr. 1, "Strengthening Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism," adopted at the Twenty-third Meeting of Consultation of Ministers of Foreign Affairs,

HAVE AGREED TO THE FOLLOWING:

Article 1
Object and purposes

The purposes of this Convention are to prevent, punish, and eliminate terrorism. To that end, the states parties agree to adopt the necessary measures and to strengthen cooperation among them, in accordance with the terms of this Convention.

Article 2
Applicable international instruments

1. For the purposes of this Convention, "offenses" means the offenses established in the international instruments listed below:

   a. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970.

   b. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971.

   c. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973.

d. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979.

e. Convention on the Physical Protection of Nuclear Material, signed at Vienna on March 3, 1980.

f. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on February 24, 1988.

g. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988.

h. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on March 10, 1988.

i. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997.

j. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on December 9, 1999.

2. Upon depositing its instrument of ratification to this Convention, a state party that is not a party to one or more of the international instruments listed in paragraph 1 of this article may declare that, in application of this Convention to such state party, that particular instrument shall be deemed not to be included in that paragraph. The declaration shall cease to have effect as soon as that instrument enters into force for that state party, which shall notify the depositary of this fact.

3. When a state party ceases to be a party to one of the international instruments listed in paragraph 1 of this article, it may make a declaration, as provided in paragraph 2 of this article, with respect to that instrument.

Article 3
Domestic measures

Each state party, in accordance with the provisions of its constitution, shall endeavor to become a party to the international instruments listed in Article 2 to which it is not yet a party and to adopt the necessary measures to effectively implement such instruments, including establishing, in its domestic legislation, penalties for the offenses described therein.

Article 4
Measures to prevent, combat, and eradicate the financing of terrorism

1. Each state party, to the extent it has not already done so, shall institute a legal and regulatory regime to prevent, combat, and eradicate the financing of terrorism and for effective international cooperation with respect thereto, which shall include:

a. A comprehensive domestic regulatory and supervisory regime for banks, other financial institutions, and other entities deemed particularly susceptible to being used for the financing of terrorist activities. This regime shall emphasize requirements for customer identification, record-keeping, and the reporting of suspicious or unusual transactions.

b. Measures to detect and monitor movements across borders of cash, bearer negotiable instruments, and other appropriate movements of value. These measures shall be subject to safeguards to ensure proper use of information and should not impede legitimate capital movements.

c. Measures to ensure that the competent authorities dedicated to combating the offenses established in the international instruments listed in Article 2 have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed under its domestic law. To that end, each state party shall establish and maintain a financial intelligence unit to serve as a national center for the collection, analysis, and dissemination of pertinent money laundering and terrorist financing information. Each state party shall inform the Secretary General of the Organization of American States of the authority designated to be its financial intelligence unit.

2. When implementing paragraph 1 of this article, states parties shall use as guidelines the recommendations developed by specialized international and regional entities, in particular the Financial Action Task Force and, as appropriate, the Inter-American Drug Abuse Control Commission, the Caribbean Financial Action Task Force, and the South American Financial Action Task Force.

Article 5
Seizure and confiscation of funds or other assets

1. Each state party shall, in accordance with the procedures established in its domestic law, take such measures as may be necessary to provide for the identification, freezing or seizure for the purposes of possible forfeiture, and confiscation or forfeiture, of any funds or other assets constituting the proceeds of, used to facilitate, or used or intended to finance, the commission of any of the offenses established in the international instruments listed in Article 2 of this Convention.

2. The measures referred to in paragraph 1 shall apply to offenses committed both within and outside the jurisdiction of the state party.

Article 6
Predicate offenses to money laundering

1. Each state party shall take the necessary measures to ensure that its domestic penal money laundering legislation also includes as predicate offenses those offenses established in the international instruments listed in Article 2 of this Convention.

2. The money laundering predicate offenses referred to in paragraph 1 shall include those committed both within and outside the jurisdiction of the state party.

Article 7
Cooperation on border controls

1. The states parties, consistent with their respective domestic legal and administrative regimes, shall promote cooperation and the exchange of information in order to improve border and customs control measures to detect and prevent the international movement of terrorists and trafficking in arms or other materials intended to support terrorist activities.

2. In this context, they shall promote cooperation and the exchange of information to improve their controls on the issuance of travel and identity documents and to prevent their counterfeiting, forgery, or fraudulent use.

3. Such measures shall be carried out without prejudice to applicable international commitments in relation to the free movement of people and the facilitation of commerce.

Article 8
Cooperation among law enforcement authorities

The states parties shall work closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offenses established in the international instruments listed in Article 2. In this context, they shall establish and enhance, where necessary, channels of communication between their competent authorities in order to facilitate the secure and rapid exchange of information concerning all aspects of the offenses established in the international instruments listed in Article 2 of this Convention.

Article 9
Mutual legal assistance

The states parties shall afford one another the greatest measure of expeditious mutual legal assistance with respect to the prevention, investigation, and prosecution of the offenses established in the international instruments listed in Article 2 and proceedings related thereto, in accordance with applicable international agreements in force. In the absence of such agreements, states parties shall afford one another expeditious assistance in accordance with their domestic law.

Article 10
Transfer of persons in custody

1. A person who is being detained or is serving a sentence in the territory of one state party and whose presence in another state party is requested for purposes of identification,

testimony, or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offenses established in the international instruments listed in Article 2 may be transferred if the following conditions are met:

a. The person freely gives his or her informed consent; and

b. Both states agree, subject to such conditions as those states may deem appropriate.

2. For the purposes of this article:

a. The state to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the state from which the person was transferred.

b. The state to which the person is transferred shall without delay implement its obligation to return the person to the custody of the state from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both states.

c. The state to which the person is transferred shall not require the state from which the person was transferred to initiate extradition proceedings for the return of the person.

d. The person transferred shall receive, for time spent in the custody of the state to which he or she was transferred, credit toward service of the sentence being served in the state from which he or she was transferred.

3. Unless the state party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the state to which that person is transferred in respect of acts or convictions prior to his or her departure from the territory of the state from which said person was transferred.

Article 11
Inapplicability of political offense exception

For the purposes of extradition or mutual legal assistance, none of the offenses established in the international instruments listed in Article 2 shall be regarded as a political offense or an offense connected with a political offense or an offense inspired by political motives. Accordingly, a request for extradition or mutual legal assistance may not be refused on the sole ground that it concerns a political offense or an offense connected with a political offense or an offense inspired by political motives.

Article 12
Denial of refugee status

Each state party shall take appropriate measures, consistent with the relevant provisions of national and international law, for the purpose of ensuring that refugee status is not granted to any person in respect of whom there are serious reasons for considering that he or she has

committed an offense established in the international instruments listed in Article 2 of this Convention.

Article 13
Denial of asylum

Each state party shall take appropriate measures, consistent with the relevant provisions of national and international law, for the purpose of ensuring that asylum is not granted to any person in respect of whom there are reasonable grounds to believe that he or she has committed an offense established in the international instruments listed in Article 2 of this Convention.

Article 14
Nondiscrimination

None of the provisions of this Convention shall be interpreted as imposing an obligation to provide mutual legal assistance if the requested state party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, or political opinion, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 15
Human rights

1. The measures carried out by the states parties under this Convention shall take place with full respect for the rule of law, human rights, and fundamental freedoms.

2. Nothing in this Convention shall be interpreted as affecting other rights and obligations of states and individuals under international law, in particular the Charter of the United Nations, the Charter of the Organization of American States, international humanitarian law, international human rights law, and international refugee law.

3. Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including the enjoyment of all rights and guarantees in conformity with the law of the state in the territory of which that person is present and applicable provisions of international law.

Article 16
Training

1. The states parties shall promote technical cooperation and training programs at the national, bilateral, subregional, and regional levels and in the framework of the Organization of American States to strengthen the national institutions responsible for compliance with the obligations assumed under this Convention.

2. The states parties shall also promote, where appropriate, technical cooperation and training programs with other regional and international organizations conducting activities related to the purposes of this Convention.

Article 17
Cooperation through the Organization of American States

The states parties shall encourage the broadest cooperation within the pertinent organs of the Organization of American States, including the Inter-American Committee against Terrorism (CICTE), on matters related to the object and purposes of this Convention.

Article 18
Consultations among the parties

1. The states parties shall hold periodic meetings of consultation, as appropriate, with a view to facilitating:

   a. The full implementation of this Convention, including the consideration of issues of interest relating thereto identified by the states parties; and

   b. The exchange of information and experiences on effective means and methods to prevent, detect, investigate, and punish terrorism.

2. The Secretary General shall convene a meeting of consultation of the states parties after receiving the 10th instrument of ratification. Without prejudice to this, the states parties may hold consultations as they consider appropriate.

3. The states parties may request the pertinent organs of the Organization of American States, including CICTE, to facilitate the consultations referred to in the previous paragraphs and to provide other forms of assistance with respect to the implementation of this Convention.

Article 19
Exercise of jurisdiction

Nothing in this Convention entitles a state party to undertake in the territory of another state party the exercise of jurisdiction or performance of functions that are exclusively reserved to the authorities of that other state party by its domestic law.

Article 20
Depositary

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States.

Article 21
Signature and ratification

1. This Convention is open for signature by all member states of the Organization of American States.

2. This Convention is subject to ratification by the signatory states in accordance with their respective constitutional procedures. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 22
Entry into force

1. This Convention shall enter into force on the 30th day following the date of deposit of the sixth instrument of ratification of the Convention with the General Secretariat of the Organization of American States.

2. For each state ratifying the Convention after deposit of the sixth instrument of ratification, the Convention shall enter into force on the 30th day following the deposit by such state of its instrument of ratification.

Article 23
Denunciation

1. Any state party may denounce this Convention by written notification to the Secretary General of the Organization of American States. Denunciation shall take effect one year following the date on which notification is received by the Secretary General of the Organization.

2. Such denunciation shall not affect any requests for information or assistance made during the time the Convention is in force for the denouncing state.